AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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FEDERAL REGISTER

VOLUME 28 NUMBER 7

Washington, Thursday, January 10, 1963

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Title 3—THE PRESIDENT

Executive Order 11074

ESTABLISHING THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS

WHEREAS recent studies, both private and public, have revealed disturbing deficiencies in the physical fitness of American youth; and

WHEREAS, since the youth of our Nation is one of our greatest assets, it is imperative that the physical fitness of our youth be improved and promoted to the greatest possible extent; and

WHEREAS there also are evidences of deficiencies in the physical fitness of American adults; and

WHEREAS there is a close relationship between physical fitness and intellectual vigor and moral strength; and

WHEREAS the physical fitness of its citizens is a concern of the government at all levels, as well as a responsibility of the family, the school, the community, and other groups and organizations; and

WHEREAS it is necessary that the activities of the Federal Government in this area be coordinated and administered so as to assure their maximum effectiveness and to provide guidance and stimulation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *President's Council on Physical Fitness.* There is hereby established the President's Council on Physical Fitness (hereinafter referred to as the Council), which shall be composed of the Secretary of Health, Education, and Welfare, who shall be the Chairman of the Council, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Housing and Home Finance Administrator.

SEC. 2. *Functions of the Council.* (a) The Council shall foster improvements in existing programs and promote additional efforts to enhance the physical fitness of Americans. The Council shall seek to coordinate, stimulate, and improve the functions of Federal agencies with respect to physical fitness.

(b) The Council shall enlist the active support and assistance of individual citizens, civic groups, professional associations, private enterprise, voluntary organizations, and other groups in a vigorous effort to promote and improve the physical fitness of all Americans.

SEC. 3. *Federal Agencies.* (a) Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any executive department or other agency of the Government or any officer thereof.

(b) Each executive department the head of which is referred to in section 1 of this order shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Council in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

SEC. 4. *Continuity.* The Council established by this order shall be deemed to be a continuation of the President's Council on Youth Fitness.

SEC. 5. *Seal.* Executive Order 10830 of July 24, 1959, prescribing a seal for the President's Council on Youth Fitness, is hereby amended by substituting the word "Physical" wherever the word "Youth" appears in said order.

SEC. 6. *Revocations.* Executive Order 10673 of July 16, 1956, Executive Order 10772 of June 30, 1958, and Executive Order 10931 of March 29, 1961, are hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 8, 1963.

[F.R. Doc. 63-354; Filed, Jan. 9, 1963; 12:11 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published April 26, 1962, and June 20, 1962, which were designated for barley crop insurance for the 1963 crop year.

IDAHO (2)

Camas. Oneida.

MINNESOTA (1)

Polk, East

NORTH DAKOTA (5)

Burke. Mountrail.
Divide. Rolette.
McKenzie.

PENNSYLVANIA (1)

Dauphin

SOUTH DAKOTA (2)

Brookings. Moody.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Cooperation.

[F.R. Doc. 63-225; Filed, Jan. 9, 1963; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published April 26, 1962, and June 20, 1962, which were designated for wheat crop insurance for the 1963 crop year.

MINNESOTA (9)

Blue Earth. Stevens.
Faribault. Swift.
Lac qui Parle. Waseca.
Redwood. Yellow Medicine.
Renville.

MISSOURI (2)

Caldwell. Montgomery.

OHIO (1)

Fulton

PENNSYLVANIA (1)

Dauphin

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 63-226; Filed, Jan. 9, 1963; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1963 Crop of Upland Cotton

§ 722.606 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1963 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 15, 1962, proclaimed a national marketing quota for the 1963 crop of upland cotton (27 F.R. 10150), and § 722.623 of the Acreage Allotment Regulations for the 1963 Crop of Upland Cotton (27 F.R. 10524) provided that a referendum would be held on December 11, 1962, to determine whether cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is unnecessary.

§ 722.607 Proclamation of results of the marketing quota referendum for the 1963 crop of upland cotton.

In a referendum held on December 11, 1962, of farmers engaged in the production of the 1962 crop of upland cotton, 217,020 farmers voted. Of those voting, 203,310, or 93.7 percent, favored the national marketing quota proclaimed by the Secretary for the 1963 crop of upland cotton and 13,710 or 6.3 percent, opposed such quota. Therefore, the national marketing quota of 14,367,000 bales proclaimed by the Secretary of Agriculture on October 15, 1962, for the 1963 crop of upland cotton shall continue in effect.

(Secs. 342-345, 375, 52 Stat. 56-58, 66, as amended; 7 U.S.C. 1342-1345, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 8, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-311; Filed, Jan. 9, 1963; 8:52 a.m.]

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1963 Crop of Extra Long Staple Cotton

§ 722.655 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1963 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 15, 1962, proclaimed a national marketing quota for the 1963 crop of extra long staple cotton (27 F.R. 10151), and § 722.672 of the Acreage Allotment Regulations for the 1963 Crop of Extra Long Staple Cotton (27 F.R. 11449) provided that a referendum would be held on December 11, 1962, to determine whether extra long staple cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.656 Proclamation of results of the marketing quota referendum for the 1963 crop of extra long staple cotton.

In a referendum held on December 11, 1962, of farmers engaged in the production of the 1962 crop of extra long staple cotton, 1,129 farmers voted. Of those voting, 925, or 81.9 percent, favored the national marketing quota proclaimed by the Secretary for the 1963 crop of extra long staple cotton, and 204, or 18.1 percent, opposed such quota. Therefore, the national marketing quota of 155,500 bales proclaimed by the Secretary of Agriculture on October 15, 1962, for the 1963 crop of extra long staple cotton shall continue in effect.

(Secs. 342-345, 347, 375, 52 Stat. 56-59, 66, as amended; 7 U.S.C. 1342-1345, 1347, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 8, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-312; Filed, Jan. 9, 1963; 8:52 a.m.]

PART 729—PEANUTS

Subpart—Proclamation of Results of Referendum on Marketing Quotas for Years 1963, 1964, and 1965

Section 729.1408 announces the results of the referendum held December 11, 1962, pursuant to Section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1963, 1964 and 1965. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that, with respect to this proclamation, application of notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

§ 729.1408 Proclamation of the results of the marketing quota referendum for the peanut crops produced in the three calendar years 1963, 1964, and 1965.

In a referendum of farmers engaged in the production of 1962 crop peanuts, held on December 11, 1962, 42,838 farmers voted. Of those voting, 41,508 farmers, or 96.9 percent favored marketing quotas for peanuts produced in the three calendar years 1963, 1964 and 1965 and 1,330 farmers, or 3.1 percent, opposed quotas for peanuts produced in each of such three calendar years. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota of 1,006,250 tons proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1963 (27 F.R. 10576) shall be in effect. National marketing quotas proclaimed hereafter for peanuts for the calendar years 1964 and 1965 shall be effective.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Signed at Washington, D.C., on January 8, 1963.

H. D. GODFREY,
Administrator Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-313; Filed, Jan. 9, 1963; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER D—DETERMINATION OF FARMS

[Sugar Determination 827.2 Rev.]

PART 827—PUERTO RICO

1962–63 and Subsequent Crops

Pursuant to the provisions of section 304(b) of the Sugar Act of 1948, as amended, Part 827, Chapter VIII of Title 7 of the Code of Federal Regulations is revised to read as follows:

§ 827.2 Determination of a farm in Puerto Rico.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Person" means an individual, partnership, corporation, or association.

(2) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(b) *Constitution of a farm.* For the 1962–63 and subsequent sugarcane crops in Puerto Rico, a farm shall be constituted according to whichever one of the following subparagraphs is applicable according to the prevailing circumstances.

(1) "Farm" means all land which is farmed by one or more producers as a farming unit with cropping practices, equipment, workstock, labor, and management substantially separate from that of any other such unit, and also includes all other land on which sugarcane farming operations are carried out with respect to which such producer(s) furnishes management services and (i) receives for such management services an amount in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses produced from the sugarcane, (ii) assumes an obligation for loss, (iii) shares in the net profit, or (iv) guarantees directly or indirectly a stipulated amount to any person who owns or controls land on which such farming operations are carried out.

(2) "Farm" means all land owned or controlled by a producer who separately or together with other producers, except processor-producers, owns the crop and bears the full financial risks of producing the sugarcane crop grown on such land and who carries out the sugarcane farming operations on such land by utilizing management services for which an amount is payable not in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses obtained from the sugarcane produced on the farm as computed pursuant to the applicable fair price determination (Part 877, Chapter VIII).

(3) "Farm" means all land included in a proportional profit farm which is organized pursuant to the provisions of Title IV of the Land Law of Puerto Rico, supervised by a manager with headquarters on the farm, and operated with workstock, light equipment, farm buildings and labor substantially separate from that of any other such farm.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 304 (b) of the act requires that a farm be determined in accordance with regulations issued by the Secretary of Agriculture, taking into consideration the use of common work stock, equipment, labor, management, and other pertinent factors. It is necessary to define a farm for the purposes of determining compliance with the requirements of the act, and computing conditional payments.

Former determinations. The original definition of a farm contained in the determination issued October 7, 1937, took into consideration factors specifically listed in the act, i.e., cropping practices, work stock, equipment, labor, and management. However, the definition made no reference to "other pertinent factors" which the Secretary might take into consideration in defining a farm. That determination was amended January 1, 1944, by adding a provision to give recognition to a Commonwealth law which provided that the benefits of sugarcane operations on farms operated pursuant to such law would be shared among producers and laborers. Thus, it was determined that such a sharing was a "pertinent factor" to be considered in defining a farm within the meaning of the act. Again, on March 22, 1950, the amendment was revised to make it more specific. The accompanying statement recognized that heavy equipment, record keeping, supervision, and other facilities required for large-scale and efficient operations would be provided to the managers of these farms by the Land Authority (a Commonwealth Agency) on a unit cost basis.

Recent developments. In recent years the average yield of sugarcane and sugar per acre, as well as the total acreage growing in Puerto Rico, have been declining. As a result, this area has been unable for several years to fill its quotas provided in the act. The Commonwealth Government has instituted subsidy programs to encourage new plantings of sugarcane and to bring abandoned acreage back into production. Many producers have farms which are too small to warrant the investment in the machinery needed for most efficient operations. In this situation, some of the processors, who also have large-scale sugarcane farming operations which are substantially mechanized, have developed a variety of so-called management or service contracts under which an independent producer may authorize, on a long term basis, the processor to perform the farming operations for him. The customary arrangement is for the processor to carry out the farming operations and to charge to the account of the farm a specific hourly rate for the equipment used, the direct and indirect labor costs, the cost of supplies, a management fee related to the returns from sugar and molasses, and in some cases a percentage of the net profit from the crop. The processor may also finance, underwrite the financing, or arrange for the financing of the crop. This practice affords the benefits of large-scale and mechanized operations to small farms. Such farms have substantially higher rates of conditional payment under the act than large farms. For the processor, more cane is assured for his mill.

Generally, land on which the sugarcane farming operations have been carried out under the managerial control of one or more producers has been considered a separate farming unit and in the case of most of such farms the producers also have borne the full risk of loss and received the full benefit of any gain from the enterprise. However, there are considerable variations in these management arrangements and certain of them tend to defeat the intended scale-down in rates of payments under the Act. Nevertheless, it is recognized that a person who has the control of land may employ "custom" operators or appoint an agent who has the equipment and managerial experience necessary to perform farming operations for and on his behalf. In view of developments in

farm operations in Puerto Rico, particularly in the utilization of management contracts, it has been deemed advisable to revise the determination of a farm to delineate the types of managerial arrangements which would require the combination of farms.

Notice of proposed revision of farm definition. To give industry representatives advance notice of the proposed revision of the definition of a farm, the Department published a proposed revision in the FEDERAL REGISTER on September 21, 1962. Interested persons were invited to submit comments thereon within 30 days. By subsequent notice in the FEDERAL REGISTER, the period for filing comments was extended to October 31, 1962.

Several statements were submitted, chiefly suggesting modifications in the proposed determination, requesting clarifications as to financial responsibilities, and submitting data in support of a proposed increase in the maximum authorized management fee from 2½ percent to 12½ percent of the market value of the sugarcane.

A considerable point was made for time to renegotiate the terms of certain management contracts since many of them have been in effect for years and many operations have been completed on the current crop.

Concerning this matter, the only time limit will be the date of filing an application for payment on the 1962–63 crop. However, the work of the Caribbean Area ASCS Office would be expedited if that office was notified concerning the cases involved.

Revised determination. The revised determination provides three conditions under which separate farms may be constituted. As formerly, a farm includes all land which is farmed by one or more producers as a farming unit with cropping practices, labor and management substantially separate from that of any other such unit. However, under the revised determination, there must be included with any such farm all other land for which the producer furnishes management services for sugarcane production if such producer assumes an obligation of loss with respect to such sugarcane operations, has an opportunity to profit from such sugarcane operations, guarantees directly or indirectly a stipulated amount to any person who owns or controls land on which such sugarcane farming operations are carried out, or is entitled to receive for such management services an amount in excess of 12½ percent of the growers market proceeds from the sugar and molasses involved. Any one or a combination of these circumstances indicates that the control of the farming operations actually is vested in the person furnishing the management services and, accordingly, the land should be combined with the farm of such person. Data were presented by the industry on actual costs incurred during the period 1958 to 1962 by selected processors offering management services to independent growers which indicated that a ceiling of 12½ percent is warranted to allow for a reasonable margin of profit. It should be understood that the 12½ percent is a maximum and that all persons are free to contract for any lesser fee. Also, if the management contractor furnishes supplies, equipment or labor, in addition to management services, the charges therefor shall not exceed their costs and shall include no element of profit. It is understood that the fee for management services will not cover land preparation, planting, harvesting or hauling but that it will cover other necessary functions of operations such as planning, accounting, legal, supervision, and other administrative services.

In contrast to the foregoing, a separate farm may be constituted for all land owned or controlled by a producer who, separately or together with other producers, owns the crop grown on such land, and bears the full financial risk of producing the sugarcane crop on such land by utilizing management services for which an amount is payable not in excess of 12½ percent of the producers' share of sugar and molasses produced on the land.

Assistance in obtaining financing, or advancing funds which are fully repayable and either repaid or adequately secured before additional advances are made on subsequent crops will not prevent the constitution of separate farms. However, cosigning or endorsement of a note of the producer by the management contractor would constitute a guarantee and require that the farms be combined.

The provision of the former determination regarding proportional profit farms organized under the Land Law of Puerto Rico remains unchanged.

Accordingly, I hereby find and conclude this revised determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, interprets or applies sec. 304, 61 Stat. 931, 7 U.S.C. Supp., 1134; Public Law 87–535, approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C, on January 3, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63–224; Filed, Jan. 9, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for 1962–63 Fiscal Year

On December 21, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 12680) regarding the expenses and rate of assessment for the 1962–63 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 907, as amended (7 CFR Part 907, 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.201 Expenses and rate of assessment for the 1962–63 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1962, through October 31, 1963, will amount to $190,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be one cent ($0.01) per carton of oranges handled by such handler as the first handler thereof during the 1962–63 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–223; Filed, Jan. 9, 1963; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 935, Amdt. 2]

PART 95—CAR SERVICE

Appointment of Embargo Agent

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 31st day of December A.D., 1962.

Upon further consideration of Service Order No. 935 (25 F.R. 6760, 26 F.R.

12166), and good cause appearing therefor:

It is ordered, That § 95.935 *Appointment of embargo agent,* Service Order No. 935, be and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1963, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1962.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1 (10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–229; Filed, Jan. 9, 1963; 8:48 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Ex Parte No. MC–43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

Dump Trucks Used for Transportation of Salt and Calcium Chloride, in Bulk, for Ice and Snow Control Purposes

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 3, held at its office in Washington, D.C., on the 28th day of December, A.D. 1962.

Upon consideration of the record in the above-entitled proceeding, and of petition filed by Paul W. Wills, Inc., Salt Transport, Inc., Ogden & Moffett Co., Direct Lines, Inc., and Truckway Service, Inc., for amendment of the provision of § 207.4(a)(3) of this Part 207 (49 CFR 207.4(a)(3)) with respect to dump trucks used for the transportation of salt and calcium chloride, in bulk, for ice and snow control purposes; and

It appearing that amendment of § 207.4(a)(3) to provide a limited exemption from the thirty-day minimum lease requirement presently in effect in order to afford the relief sought is warranted, and good cause appearing therefor; and

It further appearing that this amendment is a relaxation of present requirements and is comparable to the exemption applicable to automobile and tank truck carriers, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice and public procedure is unnecessary:

It is ordered, That subparagraph (3) of § 207.4(a) be, and it is hereby, amended by adding the following subdivision (iii):

(iii) *Ice and snow control purposes.* That such 30-day minimum period shall not apply to dump equipment leased or subleased for use in transporting salt and calcium chloride, in bulk, for ice and snow control purposes, during the period from November 1 to April 30, both inclusive, of each year.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

It is further ordered, That except to the extent relief is granted in the preceding paragraph the petition be and it is hereby denied;

And it is further ordered, That this order shall become effective on the date of service of this order and shall continue in effect until further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–230; Filed, Jan. 9, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–373]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

Extension of Period of Applicability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1963.

The provision of § 297.21 of the Board's Economic Regulations which permits International Air Freight Forwarders to use the services of supplemental air carriers on an individually waybilled shipment basis terminates on January 8, 1963.

Section 9 of Public Law 87–528 of July 10, 1962, authorizes the Board to permit the holder of any certificate or other operating authority for supplemental air transportation to perform certain individually waybilled services during the two-year period beginning on the date of enactment of Public Law 87–528. Such authorizations under this provision may therefore be granted until July 10, 1964.

The Board finds that the permission granted by § 297.21 should at this time be extended to make it coextensive with the authority of section 9, in order to carry out the policy of section 9 of permitting the supplemental air carriers to continue individually waybilled operations authorized by the Board. Under this provision, forwarders are also free to avail themselves of supplemental air carrier services authorized under section 417 of the Act.

The authorization to utilize individually waybilled services of the supplemental carriers was originally granted by the Board in the International Air Freight Forwarder Investigation, 27 CAB 658 (1958). This authorization was limited to a three-year experimental period primarily so as to enable the Board to reassess the impact of such forwarder shipments on the foreign freight rate level. Since there is only one supplemental air carrier that has individually waybilled authority in foreign and overseas air transportation, it would appear that an additional extension of this authorization to coincide with the expiration of section 9 of Public Law 87–528 will have but a limited impact upon other carriers. In view of the foregoing, and since this amendment does not impose a regulatory burden on any person, and grants a permission, the Board finds that it may be adopted without public notice and procedure, and that it may be made effective January 8, 1963. However, in order to give interested persons an opportunity to present their views on this amendment, the Board will receive and consider comments thereon which are filed not later than January 28, 1963. Ten copies of such comments shall be filed with the Docket Section, Civil Aeronautics Board, Washington 25, D.C. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof. The Board may modify or rescind this amendment in light of such comments.

In consideration of the foregoing, the Civil Aeronautics Board amends § 297.21 of the Economic Regulations (14 CFR 297.21), effective January 8, 1963, by amending the proviso to read: *"Provided, however,* That the authority to use the services of supplemental air carriers on an individually waybilled shipment basis shall terminate on July 10, 1964."

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 417, Federal Aviation Act of 1958, 72 Stat. 737, 76 Stat. 145; 49 U.S.C. 1301, 1387, sec. 9, Pub. Law 87–528, 76 Stat. 148)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63–250; Filed, Jan. 9, 1963; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1529; Amdt. 303]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE JAN. 19, 1963, OR UPON CONVERSION TO CLASS SABH FACILITY.

City, North Platte; State, Nebr.; Airport Name, Lee Bird Municipal; Elev., 2779′; Fac. Class., SABRAZ; Ident., LF; Procedure No. 1, Amdt. 9; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 8; Dated, 13 Sept. 58

PROCEDURE CANCELLED, EFFECTIVE JAN. 19, 1963, OR UPON CONVERSION TO CLASS SABH FACILITY.

City, Springfield; State, Mo.; Airport Name, Springfield; Elev., 1267′; Fac. Class., SBRAZ; Ident., SF; Procedure No. 1, Amdt. 8; Eff. Date, 7 July 56, Sup. Amdt. No. 7; Dated, 30 June 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TVC VOR	ATM RBn	Direct	2200	T-dn	600-1	600-1	NA
TVC LFR	ATM RBn	Direct	2200	C-d	1000-1	1000-1½	NA
				C-n	1000-1½	1000-2	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 2200′ within 10 miles of ATM RBn.
Minimum altitude over RBn on final approach crs, 1600′.
Crs and distance, facility to airport, 014°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.3 mile after passing ATM RBn, climb to 2200′ on 020° crs and return to ATM RBn.
NOTES: No weather available. ATM RBn operated by Antrim County, Mich.
CAUTION: Airport situated in hilly terrain. Rapid rising hills to 1100′ start 1 mile west of airport

City, Bellaire; State, Mich.; Airport Name, Antrim County; Elev., 614′; Fac. Class., HW; Ident., ATM; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Jan. 63

Peabody FM or 10-mile DME Fix	OS LMM (Final)	Direct	1800	T-dn	300-1	300-1	200-½
Revere Int# or 5-mile DME Fix	OS LMM (Final)	Direct	800	C-dn*	600-1	600-1	600-1½
				S-dn-22L	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn NA. Radar vectors to final approach course at Peabody FM required. If radar inoperative, procedure NA.
Minimum altitude over Peabody FM (or 10-mile DME Fix) on final approach crs, 1800′; over Revere Int# (or 5-mile DME Fix) on final approach crs, 800′.
Crs and distance, Peabody FM (or 10-mile DME Fix) to airport, 215°—10 mi; Revere Int# (or 5-mile DME Fix) to airport, 215°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Revere Int# (or upon reaching the 2-mile DME Fix or passing BS LFR) on final approach, climb to 2000′ to the BO LOM, hold southwest, 035° brng, inbnd, 1-minute patterns, right turn.
CAUTION: 505′ building 1.8 miles W of airport. 370′ stack 1.1 miles SW of airport.
NOTES: 1. If Revere Int# (5-mile DME Fix) not received, maintain 800′. 2. VHF equipment and/or TACAN/DME equipment required.
*800′ ceiling required when circling west of airport.
#Revere Int: Int E crs Bedford localizer and 035° brng from OS.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19′; Fac. Class., LMM; Ident., OS; Procedure No. 2, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 5 Jan. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Crestview VOR	CV RBn	Direct	1500	T-dn C-dn A-dn	300–1 500–1 800–2		

Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 263°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing CV RBn, climb to 1500′, turn right and return direct to CV RBn.
NOTE: Air carrier use of airport NA.

City, Crestview; State, Fla.; Airport Name, Crestview; Elev., 274′; Fac. Class., SABH; Ident., CV; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Jan. 63

DAB–VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Barberville Int	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Lake Helen Int	LOM	Direct	1500	S-dn-6	400–1	400–1	400–1
Smyrna Int	LOM	Direct	1500	A-dn	800–2	800–2	800–2
Woodruff Int	LOM (Final)	Direct	1500				

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 065°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, climb to 1500′ on course of 065°, make left turn, proceed to Daytona Beach VOR via R–140 or, when directed by ATC, make right turn, climb to 1500′ and return direct to LOM.

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach Municipal; Elev., 34′; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 4; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 3; Dated, 3 Nov. 62

Rio RBn	ELP RBn*	Direct	5500	T-dn	300–1	300–1	200–½
El Paso VOR	ELP RBn	Direct	5000	C-dn	400–1	500–1	500–1½
Clint RBn	ELP RBn	Direct	5500	S-dn-26	400–1	400–1	400–1
Newman VOR	ELP RBn	Direct	5500	A dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns and procedures.
Procedure turn S side of crs, 078° Outbnd, 258° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 258°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing ELP RBn, turn left to 090°, climb to 6000′, intercept and proceed SE on 120° crs from RBn within 20 miles.
*Maintain 7000′ until 5 miles west of Rio RBn. If Rio RBn not identified, maintain 8000′ to El Paso SABH.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956′; Fac. Class., SABH; Ident., ELP; Procedure No. 2, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 14 July 62

DHN VOR	OZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
OZR VOR	OZ LOM	Direct	2000	C-dn	400–1	500–1	500–1½
ETP RBn	OZ LOM	Direct	2000	S-dn-6	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles. Nonstandard due to airway south.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 058°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, turn left, climb to 2000′ and proceed direct to ETP BRn or, when directed by ATC, turn left and return to OZ LOM at 2000′.
NOTES: Teardrop procedure turn authorized, same altitude utilizing track of 256° Outbnd, 058° Inbnd. Authorized for military use only except by prior arrangement.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., LOM; Ident., OZ; Procedure No. 1, Amdt. 4; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 3; Dated, 22 Oct. 60

AZO–VOR	AZ LOM	Direct	2500	T-dn	300–1	300–1	200–½
BTL–VOR	AZ LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Centerville Int	Barton Int*	Via BTL R–218	2500	S-dn-35	400–1	400–1	400–1
Barton Int*	AZ LOM (Final)	Direct	2400	A-dn	NA	NA	NA
ELX–VOR	AZ LOM	Via ELX R–090	2600				
Cooper Int	AZ LOM	Direct	2500				
Hickory Int	AZO–VOR	Direct	2500				
Grand Rapids LOM	AZO VOR	Direct	2900				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 352°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 2700′, turn left and return to AZ LOM or, when directed by ATC, climb to 2700′, turn left and proceed to Cooper Int via AZO–VOR R–321.
*Barton Int: Int brng 172° from AZ LOM and BTL R–218.
#800–2 minimums authorized when AZO tower operational or for air carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., LOM; Ident., AZ; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Jan. 63

PROCEDURE CANCELLED, EFFECTIVE JAN. 19, 1963.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., SABH; Ident., OAK; Procedure No. 1, Amdt. 1; Eff. Date, 8 Sept. 62; Sup. Amdt. No. Orig.; Dated, 14 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OAK SABH	Fremont FM/RBn	Direct	4000	T-dn	300–1	300–1	200–½
OAK VOR	Fremont FM/RBn	Direct	4000	C-dn	400–1	500–1	500–1½
Fremont FM/RBn	LOM (Final)	Direct	1700	S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition and vectoring authorized using Oakland Radar in accordance with approved patterns.
Procedure turn NA. All maneuvering and descent to 4000′ shall be accomplished in the Fremont FM/RBn holding pattern, 110° Outbnd, 290° Inbnd, 1-minute pattern, right turns.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 293°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb straight ahead to 1000′, heading 293°, then make a right climbing turn, continuing climb to 2500′ in a 1-minute right turn holding pattern SE of LOM, 110° Outbnd, 290° Inbnd.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Jan. 63

SZI RBn	LOM	Direct	2000	T-dn	300–1	300–1	200–½
SEA-VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
SI-LFR	LOM	Direct	2000	S-dn-34	400–1	400–1	400–1
Puyallup Int*	LOM (Final)	Direct	1700	A-dn	800–2	800–2	800–2
TM-LFR	LOM	Direct	2000				
Burton Int	LOM	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2000′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 338°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 2000′ direct to Park RBn. Continue climb on crs 338° Outbnd, 158° Inbnd, within 10 miles of Park RBn or, when directed by ATC, turn left, climb to 2000′ on R-225 SEA-VOR within 15 miles.
CAUTION: Terrain and trees to 591′ MSL located immediately N and NE of airport.
*Transition to Puyallup Int authorized from TM LFR on 020° crs, 2000′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 21; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 20; Dated, 29 Dec. 62

Herndon VOR	GTN-RBn	Direct	2000	T-dn	300–1	300–1	200–½
Unity Int	GTN-RBn	Direct	2000	C-dn	900–1	900–1	900–1½
North Beach Int	ADW LFR	Direct	2000	S-dn-15, 18	900–1	900–1	900–1
ADW LFR	GTN RBn	Direct	2000	A-dn	1000–2	1000–2	1000–2
Ironsides Int	DA LFR	Direct	2000				
DA LFR	GTN RBn	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 144°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Georgetown MHW, climb to 1000′ on crs of 144°, make a right turn and proceed to DA-LFR at 1800°.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., MHW; Ident., GTN; Procedure No. 3, Amdt. 9; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 8; Dated, 20 Sept. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Daytona Beach LOM	DAB-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 156°—7.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing VOR, climb to 1500′ on R-156 within 13 miles.

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach Municipal; Elev., 34′; Fac. Class., BVOR; Ident., DAB; Procedure No. 1, Amdt. 3; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 2; Dated, 17 Mar. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
El Paso RBn	ELP VOR	Direct	5000	T-dn	300–1	300–1	200–½
Rio RBn/Int	ELP VOR (Final)*	Direct	5500	C-dn	400–1	500–1	500–1½
Newman VOR	ELP VOR	Direct	5500	S-dn-26	400–1	400–1	400–1
Giffen Int#	ELP VOR (Final)	Direct	5000	A-dn	800–2	800–2	800–2

Radar transitions and vectoring using ELP Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 257°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing ELP–VOR, turn left, climb to 5500′ on R–150 within 20 miles.
*Maintain 7000′ until 5 miles W of Rio RBn/Int. If Rio RBn/Int not received, maintain 8000′ until over ELP–VOR.
#Giffen Int: Int ELP–VOR R–081, CNT R–353 and EWM R–134.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3956′; Fac. Class., BVORTAC; Ident., ELP; Procedure No. 1, Amdt. 14; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 13; Dated, 25 Aug. 62

Hale Int	PVW–VOR	Direct	5000	T-dn	300–1	300–1	200–½
Plainview Int	PVW–VOR	Direct	5000	C-dn	500–1	600–1	600–1½
				S-dn-04	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 026°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing PVW–VOR, climb straight ahead on R–026 to 5000′ within 20 miles.
CAUTION: 125′ grain storage tanks located on south boundary of airport.

City, Plainview; State, Tex.; Airport Name, Hale County; Elev., 3372′; Fac. Class., VOR; Ident., PVW; Procedure No. 1, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 1 Dec. 62

JOT–VOR	DPA–VOR	Direct	2500	T-dn	300–1	300–1	300–1
API–VOR	DPA–VOR	Direct	2500	C-d	500–1	500–1	500–1½
Elgin Int	DPA–VOR	Direct	2500	C-n	500–1	500–1½	500–1½
Acorn Int	DPA–VOR	Direct	2500	A-dn	NA	NA	NA
Hinckley Int	DPA–VOR	Direct	2500				
Malta Int	DPA–VOR	Direct	2500				

Radar vectoring to final approach course authorized by Chicago Center Radar.
Procedure turn N side of crs, 249° Outbnd, 069° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 069°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing DPA–VOR, make left turn climb to 2500′ and return to VOR or, when directed by ATC, make left turn, climb to 2500′, proceed on 340° crs until intercepting ORD–VOR R–267 and proceed to Malta Int via ORD R–267.
NOTES: Aircraft will be released for final approach inbound on final approach course 3 miles from VOR to contact DuPage Tower. Radar altitudes are 2900′ within 20 miles of DPA–VOR; 2500′ within 10 miles of DPA–VOR. No weather service—obtain O'Hare or Midway weather prior to beginning approach. Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, West Chicago; State, Ill.; Airport Name, DuPage County; Elev., 758′; Fac. Class., BVOR; Ident., DPA; Procedure No. 1, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 23 June 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 261° Outbnd, 081° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 1700′ on R–250 within 10 miles of ALI VOR.
CAUTION: 571′ radio tower 5.5 miles WNW on crs 272°, and 580′ tower 5.5 miles on crs 318° from airport.
NOTE: AH LFR and "Z" marker decommissioned.

City, Alice; State, Tex.; Airport Name, Jim Wells County Municipal; Elev., 178′; Fac. Class., M–BVOR; Ident., ALI; Procedure No. TerVOR (R–261), Amdt. 4; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 3; Dated, 5 Jan. 53

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	IDL VOR R-141	Via radar vectors.*	2500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
Sandy Hook VHF Int	IDL VOR R-141	Via radar vectors.*	2500	A-dn	800-2	800-2	800-2
Bonnie VHF Int#	IDL VOR (Final)	Via R-141	700				

Terminal area radar transition altitudes from R-030 clockwise through R-210 of IDL VOR 1,500 feet within 20 miles, 2,500 feet within 25 miles.
Procedure turn NA. Radar vectors to final approach crs required final approach radial 141.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of R-31L, 312°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of IDL VOR, make left climbing turn to 2000' on 190° radial of IDL VOR to Sandy Hook Int. Hold south of Sandy Hook Int right turns 1 minute 010° inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
*Radar vectors to Final approach course will intercept Final approach radial southeast of the Final approach fix.
#Bonnie VHF Int: Int DPK-VOR R-237 and IDL-VOR R-141 and/or 215° brng from Lido RBn and IDL-VOR R-141.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TerVOR R-141, Amdt. 3; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 2; Dated, 5 Jan. 63

Potomac Int	DCA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Herndon VOR	DCA-VOR	Direct	2000	C-dn	700-1	700-1	700-1½
Andrews LFR	DCA-VOR	Direct	2000	S-dn-15	600-1	600-1	600-1
Nottingham VOR	DCA-VOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 2000' within 10 miles of Georgetown MHW.
Minimum altitude over Roslyn Int* on final approach crs, 1600'. Descend to landing minimums after passing Roslyn Int* on crs 140°.
Crs and distance, breakoff point to approach end Runway 15, 140°—0.6 mi; Roslyn Int* to breakoff point, 140°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1000' on crs 140°, make a right turn and proceed to Washington LFR at 1500' climbing to 1800'.
CAUTION: Washington Monument, 596' msl 1.6 miles north of airport.
NOTE: Pilots using this procedure shall monitor DCA VOR for radar advisories when weather conditions are below circling minimums.
*Roslyn Int: Int 050° bearing GTN RBn and R-320 DCA-VOR.

City, Washington; State, D.C.; Airport Name, Washington National; Elev., 16'; Fac. Class., BVOR; Ident., GTN; Procedure No. TerVOR-15, Amdt. 8; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 7; Dated, 10 Nov. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile fix R-259	8-mile fix R-259	Direct	8800	T-dn	300-1	300-1	200-½
8-mile fix R-259	ELP VOR	Direct	5200	C-dn	400-1	500-1	500-1½
10-mile fix R-081	7-mile fix R-081 (Giffen Int)	Direct	5500	S-dn-26	400-1	400-1	400-1
7-mile fix R-081	ELP VOR	Direct	5000	A-dn	800-2	800-2	800-2

When authorized by ATC, DME may be used within 10 miles between radials 325 clockwise to 200 at 5500' to position aircraft for final approach with the elimination of a procedure turn.
Radar transitions and vectoring using El Paso Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 6500' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 257°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.8-mile DME fix on R-257, turn left to heading of 125°, climb to 5500' on ELP VOR R-150 within 20 miles.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3956'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR-DME No. 1, Amdt. 8; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 7; Dated, 20 Oct. 62

15-mile DME fix, R-329	10-mile DME fix, R-329	Direct	6500	T-dn	300-1	300-1	200-½
10-mile DME fix, R-329	0-mile DME fix, R-329	Direct	4900	C-dn	500-1	500-1	500-1½
0-mile DME fix, R-158	2.9-mile DME fix, R-158	Direct	4600	S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Salt Lake Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6500' within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 2.9-mile DME fix R-158, make a right climbing turn, climb to 9000' on R-248 SLC-VOR within 20 miles.
SLC VOR within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles, from the 248° radial clockwise to the 329° radial at 9000' to position aircraft for final approach, with the elimination of procedure turn.
CAUTION: 5090' terrain 3 miles E of VOR. 4541' radio tower 3 miles SE of VOR.
Other changes: Deletes reference to Runway 16L.
*1500-2 required for takeoff Runway 7.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226'; Fac. Class. BVORTAC; Ident., SLC; Procedure No. VOR-DME 1, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 3 Nov. 62

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME fix, R–329	10-mile DME fix, R–329	Direct	6500	T–dn*	300–1	300–1	200–½
10-mile DME fix, R–329	0-mile DME fix, R–329	Direct	4900	C–dn	500–1	500–1	500–1½
0-mile DME fix, R–149	3.6-mile DME fix, R–149	Direct	4600	S–dn–16L	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Salt Lake Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6500′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.6-mile DME fix R–149, make a right climbing turn, climb to 9000′ on R–248 SLC–VOR within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles from R–248 clockwise to R–329 at 9000′ to position aircraft for final approach with the elimination of procedure turn.
CAUTION: 5000′ terrain 3 miles east of VOR. 4541′ radio tower 3 miles SE of VOR.
*1500–2 required for takeoff Runway 7.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., BVORTAC; Ident., SLC; Procedure No. VOR–DME No. 3, Amdt. Orig.; Eff. Date, 19 Jan. 63

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cold Bay LFR	CDB–LOM	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn–26,* 32	400–1	500–1½	500–1½
				C–d–8	800–2	800–2	800–2
				C–n–8	NA	NA	NA
				S–dn–14**	300–¾	300–¾	300–¾
				A–dn–14, 26, and 32 (Loc. and 3 comp.).	600–2	600–2	600–2
				A–dn–14, 26, and 32 (without Loc. and 3 comp.).	1000–2	1000–2	1000–2
				A–dn–8	800–2	800–2	800–2

Procedure turn E side of crs, 321° Outbnd, 141° Inbnd, 1700′ within 10 miles. Nonstandard due to terrain 1700′ 8.8 miles W of crs.
Minimum altitude over Outer Marker inbnd, 700′.
No glide slope. Distance to approach end of runway at OM, 4.8 miles; at MM, 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing OM, turn left, climb to 3000′ on N crs of ILS within 20 miles or, when directed by ATC, turn left, climb to 3000′ on N crs Cold Bay LFR.
*CAUTION: Circling to Runways 26 and 32 will be accomplished east of airport. Mt. Simon 11004 feet 2.4 miles west of airport.
**Descent below 600′ on final approach NA until past CO LFR; if CO LFR not received, further descent NA.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 94′; Fac. Class., ILS; Ident., I–CDB; Procedure No. ILS–14, Amdt. 2; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 1; Dated, 25 Aug. 62

DAB–VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Barberville Int	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
Lake Helen Int	LOM	Direct	1500	S–dn–6*	200–½	200–½	200–½
Smyrna Int	LOM	Direct	1500	A–dn	600–2	600–2	600–2
Woodruff Int	LOM (Final)	Direct	1500				

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at OM, 1400′—5.0 mi; at MM, 230′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ on NE crs ILS, make left turn and proceed to Daytona Beach VOR via the R–140 or, when directed by ATC, climb to 1500′ on NE crs ILS, make right turn and proceed direct to LOM.
*400–¾ required with glide slope inoperative.

City, Daytona Beach; State, Fla.; Airport Name, Municipal; Elev., 34′; Fac. Class., ILS; Ident., I–DAB; Procedure No. ILS–6, Amdt. 3; Eff. Date, 19 Jan. 63 or upon completion of ALS; Sup. Amdt. No. 2; Dated, 3 Nov. 62

AZO–VOR	AZ LOM	Direct	2500	T–dn	300–1	300–1	200–½
BTL–VOR	AZ LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Centerville Int	Barton Int*	Via BTL R–218	2500	S–dn–35	400–1	400–1	400–1
Barton Int*	AZ LOM (Final)	Direct	2400	A–dn#	NA	NA	NA
ELX VOR	AZ LOM	Via ELX R–090	2600				
Cooper Int	AZ LOM	Direct	2500				
Hickory Int	AZO VOR	Direct	2500				
Grand Rapids LOM	AZO VOR	Direct	2900				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, OM to airport, 353°—5.8 mi; MM to airport, 353°—0.5 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 2700′, proceed to Cooper Int via AZO–VOR R–321 or, when directed by ATC, climb to 2700′, turn left and return to AZ LOM.
*Barton Int: Int AZO ILS S crs and BTL R–218.
#800–2 minimums authorized when AZO tower reporting weather or for air carrier with weather reporting service. 800–2 authorized when tower reporting weather and approach lights operating.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., ILS; Ident., I–AZO; Procedure No. ILS–35, Amdt. Orig.; Eff. Date, 19 Jan. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AZO-VOR	Upjohn Int*	Direct	2500	T-dn	300-1	300-1	200-½
Cooper Int	Upjohn Int*	Via BTL R-274	2500	C-dn	400-1	500-1	500-1½
Prince Int##	Upjohn Int* (Final)	Direct	2000	S-dn-17	400-1	400-1	400-1
BTL-VOR	Upjohn Int*	Via BTL R-274	2500	A-dn#	NA	NA	NA
AZ LOM	Upjohn Int*	Direct	2500				
Centerville Int	AZO-VOR	Direct	2500				

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2500′ within 10 miles of Upjohn Int.*
Minimum altitude over Upjohn Int* on final approach crs, 2000′.
Crs and distance, Upjohn Int* to airport, 172°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Upjohn Int,* climb to 2700′ and proceed to AZ LOM via south crs AZO ILS or, when directed by ATC, make right turn, climb to 2700′ and proceed to Cooper Int via AZO R-321.
NOTES: Back course approach. No glide slope. No approach lights.
*Upjohn Int: Int N crs AZO ILS and BTL R-270.
#800-2 minimums authorized when tower operating or for air carrier with weather reporting service.
##Prince Int: Int N crs AZO ILS and BTL R-280.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., ILS; Ident., I-AZO; Procedure No. ILS-17, Amdt. Orig.; Eff. Date, 19 Jan. 63

MAF-VOR	Octane Int#	Direct	4500	T-dn	300-1	300-1	*200-½
MAF LOM	Octane Int#	Direct	4500	C-dn	400-1	500-1	500-1½
Derrick Int	Octane Int#	Direct	4000	S-dn-28	400-1	400-1	400-1
By Pass Int	Derrick Int	Direct	4500	A-dn	800-2	800-2	800-2
Johnson Int	Derrick Int	Direct	4500				

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 4500′ within 10 miles of Octane Int.
Minimum altitude over Octane Int# on final approach crs, 4000′.
Crs and distance, Octane Int# to airport, 283°—3.6 mi.
No glide slope—back course procedure.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Octane Int,# climb to 4500′ on MAF ILS W crs within 20 miles or, when directed by ATC, turn left, climb to 4500′ on MAF VOR R-190 within 20 miles.
*300-1 required for takeoff 16L-34R.
#Octane Int: Int MAF ILS E crs and MAF VOR R-140.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS-28, Amdt. Orig.; Eff. Date, 19 Jan. 63

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
040°		Within:		Precision approach			
000°	360°	15 miles	2300				
000°	040°	7 miles	2300	T-dn	300-1	300-1	200-½
	040°	7-15 miles	3700	C-dn	700-2	700-2	700-2
				S-dn-33	200-½	200-½	200-½
				S-dn-15	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 15: Make right climbing turn and climb to 2300′. Hold NE on R-078 BGR-VOR, 1-minute left turns. Runway 33: Climb straight ahead to BGR-VOR to 2300′. Hold NE on R-078 BGR-VOR, 1-minute left turns.
CAUTION: Radio towers 632′ located 1¾ miles NE of airport, and 400′ located 3 miles SE of airport.

City, Bangor; State, Maine; Airport Name, Dow AFB; Elev., 192′; Fac. Class., Dow Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Jan. 63

Radar terminal area maneuvering altitudes and azimuth measured clockwise around radar antenna site:				Surveillance approach			
335°		Within:		T-dn	300-1	300-1	200-½
335°	205°	0-5 miles	5000	C-dn	400-1	500-1	500-1½
335°	205°	5-15 miles	5500	S-dn-22, 26	400-1	400-1	400-1
	205°	15-20 miles	7000	A-dn	800-2	800-2	800-2

Radar control must provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3-5 mile (inclusive) radius of radio towers 4267′ 3-5 miles NW, hill 5067′ 13 miles NE, hill 4651′ 9.5 miles E, and hill 6717′ 22 miles NE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to 090°, climb to 6000′ on ELP VOR R-120 within 20 miles.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3956′; Fac. Class., El Paso Radar; Procedure No. 1, Amdt. 2; Eff. Date, 19 Jan. 63; Sup. Amdt. No. 1; Dated, 19 Mar. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
All quadrants		10 miles	1100				
All quadrants		15 miles	1400	T-dn-13 and 31	300-1	NA	NA
All quadrants		20 miles	2100	C-dn-13 and 31	500-1	NA	NA
All quadrants		25 miles	2100	A-dn-13 and 31	1000-1	NA	NA
				Precision approach**			
				C-dn-13	400-1	NA	NA
				S-dn-13	300-1	NA	NA

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished or lost communications, make left climbing turn to a heading of 360° to intercept R-322 Norfolk VOR, maintain 1500'. Proceed outbound on R-322 of Norfolk VOR to the Williamsburg Int. Hold southeast 1-minute pattern right turns Contact Norfolk Center for further instructions.

NOTE: Authorized for military use only except by prior arrangement.

*Williamsburg Int: Int R-322 ORF-VOR and R-094 HPW-VOR.

**Primary approach is circling ASR. PAR approach will be made only when traffic permits and/or weather is below ASR minimums.

City, Ft. Eustis; State, Va.; Airport Name, Felker U.S. AAF; Elev., 10'; Fac. Class., Ft. Eustis Radar; Procedure No. 1, Amdt. 2; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig. Dated, 17 June 61

All sectors	Radar site	Within 20 miles	3000	Precision approach			
				T-dn-04, 18, 36, 22.	300-1	300-1	300-1
				Surveillance approach			
				T-dn-04, 18, and 36.	300-1	300-1	300-1
				T-dn-22	300-1	300-1	200-½
				Precision and surveillance approach			
				C-d*	600-1	600-1	600-1
				C-n*	600-2	600-2	600-2
				S-d-04, 22	400-1	400-1	400-1
				S-n-04	400-2	400-2	400-2
				S-n-22	500-2	500-2	500-2
				A-dn	1500-3	1500-3	1500-3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 4: Turn right and climb to 2800' on 050° crs FRI "H" within 15 miles. Runway 22: Turn left and climb to 2800' on 050° crs FRI "H" within 15 miles.

NOTES: Military authority required. Procedure not authorized for civil use. Restricted area R-197 adjacent to airfield northwest. Small arms firing ranges 2.4 miles north of airfield.

*Circling approaches will be made east of the airfield.

City, Fort Riley; State, Kans.; Airport Name, Marshall U.S. AAF; Elev., 1062'; Fac. Class., Marshall Radar; Procedure No. 1, Amdt. 1; Eff. Date, 19 Jan. 63; Sup. Amdt. No. Orig.; Dated, 12 Sept. 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 17, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-245; Filed, Jan. 9, 1963; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-289]

PART 13—PROHIBITED TRADE PRACTICES

C-E-I-R, Inc.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1513 *Operations generally;* § 13.1553 *Services.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Secs. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, C-E-I-R, Inc., Washington, D.C., Docket C-289, Dec. 28, 1962]

Consent order requiring a Washington, D.C., company engaged in the measurement of television audiences and the publication and sale to broadcasters and advertisers of data and reports based thereon, to cease representing falsely that the television station and program "ratings" and audience "totals" compiled by it—which fail to disclose the number that fail to cooperate and include hearsay reports and estimates—are accurate measurements arrived at through the use of techniques and procedures that are free from error other than sampling error.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent C-E-I-R, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, offering for sale, sale or distribution of television or other audience measurements, whether in the form of reports, data or otherwise, in commerce as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing directly or by implication:

(a) That its measurements, data or reports are based on a probability sample unless the term "probability sample" is properly qualified in immediate conjunction therewith, and unless the difference between a probability sample and respondent's sample is clearly described in its reports.

(b) That sampling error or any other single error is the only error to which its measurements, data or reports are subject.

(c) That the accuracy or reliability of its measurements, data or reports can be fully determined by the use of any chart or formula which is not wholly applicable to such measurements, data or reports.

(d) That any steps or precautions are taken to assure the proper maintenance of diaries unless such steps or precautions are in fact taken.

(e) That diaries used or relied upon by it reflect or contain all viewing by all members of a family as recorded at the time the viewing is done.

(f) That the numerical terms in which respondent's measurements, data or reports are expressed are other than estimates or that its techniques and procedures assure that its measurements, data or reports are accurate to any precise mathematical value or definition.

2. Failing to disclose the statistical effect of nonresponse unless the number or approximate percentage of a sample that refuses or fails to respond or cooperate is clearly disclosed in each report, together with a statement that such nonresponse may affect the accuracy of such report.

3. Using data derived from diaries without clearly disclosing in each report that the diaries may have been maintained in part on the basis of hearsay or the estimate of the diarykeeper.

4. Projecting samples to "all" television homes when certain of such homes have been excluded from the universe without clear disclosure in its reports that such projections have been made.

5. Misrepresenting in any manner the accuracy or reliability of its measurements, data or reports.

6. Using any technique or procedure in making measurements or compiling data or reports that impairs the accuracy or reliability of such measurements, data or reports unless the deficiencies or limitations of such technique or procedure of which respondent is, or should be, aware are clearly disclosed in its reports.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-215; Filed, Jan. 9, 1963; 8:45 a.m.]

[Docket D. C-290]

PART 13—PROHIBITED TRADE PRACTICES

A. C. Nielsen Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1513 *Operations generally;* § 13.1553 *Services.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, A. C. Nielsen Company, Chicago, Ill., Docket C-290, Dec. 28, 1962]

Consent order requiring a Chicago, Ill., company engaged in the measurement of radio and television audiences and the publication and sale to broadcasters and advertisers of data and reports based thereon, to cease representing falsely that the radio and television station and program "ratings" and audience "totals" compiled by it are accurate measurements arrived at through the use of techniques that are free from error other than sampling error.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent A. C. Nielsen Co., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, offering for sale, sale or distribution of radio or television audience measurements, whether in the form of data, reports or otherwise, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the numerical terms in which its measurements, data or reports are expressed are other than estimates, or otherwise representing that such measurements, data or reports are accurate to any precise mathematical values or definitions.

(b) That all data obtained from a sample that is made up of diaries and/or ballots and meters are derived from sources which are of equal statistical reliability.

(c) That its measurements, data or reports are based upon a probability sample.

(d) That sampling error, or any other single error is the only error to which its measurements, data or reports are subject.

(e) That the accuracy or reliability of its measurements, data or reports can be fully determined by the use of any chart or formula which is not wholly applicable to such measurements, data or reports.

(f) That the data contained in any report are based upon information obtained from diaries and meters unless such diaries and meters are approximately equal in number or unless the approximate percentage of each is clearly disclosed in such report.

2. Misrepresenting the size of its effective sample through the use of "Base Cases" figures or otherwise.

3. Using data or information gathered by it as a basis for reports, which data or information is not reliable due to the lapse of time.

4. Using data in a report that were derived during a time period other than the time period embraced by said report unless the time period during which such data were derived is clearly disclosed in its reports.

5. Using in report automobile radio listening data that were obtained from an area larger than the area covered by said report without clearly disclosing such fact and without clearly disclosing when such is the case, that such automobile radio listening data are not measurements of individual station shares of automobile radio listening.

6. Publishing radio audience measurements without disclosing that such measurements do not include portable and/or transistor radio listening or tuning, if it be a fact.

7. Using data derived from diaries without clearly disclosing in each report that the diaries may have been maintained in part on the basis of hearsay or the estimate of the diarykeeper.

8. Using data obtained from diaries disproportionately dispersed throughout the universe, without clear disclosure thereof.

9. Failing to disclose the statistical effect of nonresponse, unless the number or approximate percentage of a sample that refuses or fails to respond or cooperate is clearly disclosed in each report, together with a statement that such nonresponse may affect the accuracy of such report.

10. Excluding segments of the population from the universe, unless each category of the population excluded from measurement is clearly disclosed in each report.

11. Misrepresenting in any manner the accuracy or reliability of its measurements, data or reports.

12. Using any technique or procedure in making measurements or compiling data or reports that impairs the accuracy or reliability of such measurements, data or reports unless the deficiencies or limitations of such technique or procedure of which respondent is, or should be, aware are clearly disclosed in its reports.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-216; Filed, Jan. 9, 1963; 8:45 a.m.]

[Docket C-291]

PART 13—PROHIBITED TRADE PRACTICES

Pulse, Inc.

Subpart—Furnishing means and instrumentalities of misrepresentation or reception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1513 *Operations generally;* §13.1553 *Services.* Subpart—Neglecting, unfairly, or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Pulse, Inc., New York, N.Y., Docket C–291, Dec. 28, 1962.]

Consent order requiring a New York City company engaged in the measurement of radio and television audiences and the publication and sale to broadcasters and advertisers of data and reports based thereon, to cease representing falsely that the radio and television station and program "ratings" and audience "shares" compiled by it are accurate and reliable measurements arrived at through the use of techniques that are free from error other than sampling error.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That The Pulse, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, offering for sale, sale or distribution of radio or television audience measurements, whether in the form of data, reports or otherwise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That such measurements, data or reports are accurate to any precise mathematical value or definition.

(b) That the number of quarter hour reports upon which a survey is based is the sample size for any report or survey.

(c) That all of its measurement data are obtained by the use of rosters.

(d) That it eliminates inflation of measurements, by the use of a "Time-Line" technique or otherwise.

(e) That its interviewers do not deviate from a preassigned plan in conducting interviews.

(f) That it uses any form of probability sample.

(g) That its sampling method is accurate statistically or otherwise.

2. Using data based upon general listening or viewing preferences as opposed to actual listening or viewing.

3. Including "Not-At-Homes" in a sample base by any formula not validated by research.

4. Crediting listening or viewing to "Not-At-Homes" by any formula that has not been validated by research.

5. Adjusting "Sets-In-Use" or other figures unless justification therefor has been validated by adequate research.

6. Using clustered samples unless such fact and the extent thereof is clearly and conspicuously disclosed in each report.

7. Using data based upon hearsay reports, estimates or guesses.

8. Using data obtained from individuals or households not a part of a preselected sample.

9. Publishing or selling reports containing the results of special or other surveys wherein the area surveyed is defined by one of the stations being measured or surveyed and in which the resulting audience levels or ratings of this station and of competing stations are determined by the signal pattern or area of popularity of the station defining the area to be surveyed, unless such reports are distinguished by format and title from all regular metro and county reports and the identity of the station or stations defining the area covered by such special reports is prominently disclosed.

10. Using data obtained by interviewers over whom respondent does not maintain supervision and control sufficient to assure the accuracy or reliability of such data.

11. Misrepresenting in any manner the size of the effective sample used in any measurement.

12. Misrepresenting in any manner the accuracy or reliability of its measurements, data or reports.

13. Publishing or selling reports in which the ratings and audience shares of two or more stations are combined into a single rating and audience share and in which other stations, not serving the entire area served by the combined stations, are listed with their individual ratings and audience shares as though they were competing with such combination of stations for the audience in the entire area covered by said reports.

14. Using any technique or procedure in making measurements or compiling data or reports that impairs the accuracy or reliability of such measurements, data or reports unless the deficiencies or limitations of such technique or procedure are clearly and conspicuously disclosed.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which is has complied with this order.

Issued: December 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–217; Filed, Jan. 9, 1963; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.488]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER SECTION 15 OF THE ACT OF SEPTEMBER 11, 1957, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are being amended to insert a definition of the term "Form FS–257" in order that it may also include Form FS–257a, and to make certain minor amendments of a technical nature. Section 41.125(a) is being amended to provide that revalidations of all nonimmigrant visas must be obtained within one year of the expiration of the original visa or any revalidation thereof. In addition, this section is being amended to extend to alien crewmen the same benefits which are now available to temporary visitors for business or pleasure in that they may be granted any number of revalidations of their visas without personal appearance. Section 42.27 has been revised to delete those paragraphs which related to legislation which has either expired or has been repealed and to add an appropriate paragraph relating to the establishment of nonquota immigrant status under the terms of recent legislation. Part 44 is being revoked as it is based on the provisions of legislation which has expired.

1. Section 41.1 is amended by the addition of the following definition:

§ 41.1 Definitions.

* * * * *

Form FS–257. "Form FS–257" (Application for Nonimmigrant Visa and Alien Registration), shall be considered to include Form FS–257a.

* * * * *

2. Section 41.95 is amended to read as follows:

§ 41.95 Procedure in recommending temporary admission of ineligible aliens.

(a) Except as provided in paragraph (b) of this section, a consular officer may, upon his own initiative, and shall, upon the request of the Secretary of State or upon the request of the alien, submit a report to the Department for possible transmission to the Attorney General pursuant to the provisions of section 212(d)(3)(A) of the Act in the case of an alien who is classifiable as a nonimmigrant but who is known or believed by the consular officer to be ineligible to receive a nonimmigrant visa under the provisions of section 212(a) of the Act, other than paragraph (27) or (29).

(b) A consular officer may, in certain categories defined by the Secretary of State, recommend directly to designated immigration officers that an alien's temporary admission be authorized under the provisions of section 212(d)(3)(A) of the Act.

(c) When the Attorney General authorizes the temporary admission of an ineligible alien as a nonimmigrant and the consular officer is so informed, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General.

(Sec. 212, 66 Stat. 182; 8 U.S.C. 1182)

3. Section 41.115(a) is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application

therefor on Form FS–257 (Application for Nonimmigrant Visa and Alien Registration) or Form FS–257a (see definition of Form FS–257 contained in § 41.1) unless personal appearance is waived and submission of the application form by the applicant is not required. In such cases the application form shall be completed by the consular officer from available information. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or if the alien has no parent or guardian, by any person having legal custody of or a legitimate interest in the alien.

4. Section 41.116(a) is amended to read as follows:

§ 41.116 Registration and fingerprinting.

(a) *Registration.* Form FS–257, when properly completed, shall constitute the alien's registration record for the purposes of section 221(b) of the Act.

5. Section 41.117 is amended to read as follows:

§ 41.117 Signature and seal.

When personal appearance is required Form FS–257 shall be signed by or on behalf of the applicant in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign and stamp Form FS–257 with the seal of his office. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant.

6. Section 41.125 is amended to read as follows:

§ 41.125 Revalidation of visas.

(a) *Conditions for revalidation.* A nonimmigrant visa may, in the discretion of the consular officer, be revalidated in the same classification at the original visa-issuing office or other consular office if (1) the alien's nationality is the same, (2) the visa is about to expire or has expired, or has become invalid by reason of having been used for the number of applications for admission specified therein, (3) the application for revalidation is made within one year of the date of expiration of the original visa or any revalidation thereof, and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive a nonimmigrant visa.

(b) *Waiver of personal appearance.* Except as indicated in paragraph (4) of this section, the consular officer may, in his discretion, waive the personal appearance of an alien who is an applicant for revalidation of his visa.

(c) *Period for which visa may be revalidated.* A nonimmigrant visa issued under the provisions of section 101(a)(15)(B) of the Act may, in the discretion of the consular officer, be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State. Except for the special provisions relating to the revalidation of crewmen visas set out in paragraph (d) of this section, a nonimmigrant visa issued under any section of the Act other than section 101(a)(15)(B) shall not be revalidated for a period which would extend its validity for more than forty-eight months from the date or original issuance.

(d) *Revalidation of visas for crewmen*—(1) *Airmen.* If the requirements of paragraph (a) of this section are met, a nonimmigrant visa issued under the provisions of section 101(a)(15)(D) of the Act to an airman may be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State provided that (i) the application for revalidation is supported by a letter from the employing carrier certifying that the applicant is employed as an airman, or (ii) if the applicant is not employed at the time of application for revalidation, he appears in person in connection with his application and presents satisfactory evidence that he continues to be a bona fide airman.

(2) *Seamen.* If the requirements of paragraph (a) of this section are met, a nonimmigrant visa issued under the provisions of section 101(a)(15)(D) of the Act to a seaman may be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State provided that (i) the application for revalidation is supported by a letter from the employing carrier certifying that the applicant is employed as a seaman and that he is in possession of a valid alien crewman landing permit and identification card (Form I–184) issued by the Immigration and Naturalization Service, or (ii) if the applicant is not employed at the time of application for revalidation, he appears in person in connection with his application and submits satisfactory evidence that he continues to be a bona fide seaman.

(e) *Procedure for revalidation.* In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in §41.124, except that a new Form FS–257 shall not be required. The visa stamp shall be placed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revalidated visa. The word "REVALIDATED" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the revalidation shall be made on the reverse of Form FS–257 on file at the original visa-issuing office. If the visa is revalidated at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

(f) *Fee for revalidation.* The fee for the revalidation of a nonimmigrant visa shall be that prescribed for the issuance of such a visa, if any, except that when the visa was issued valid for a lesser number of applications for admission or for a period of validity less than the maximum permitted by reciprocity it may be revalidated for the remaining number of applications for admission and validity permitted without the payment of an additional fee.

7. Section 42.27 is amended to read as follows:

§ 42.27 Classes created by special legislation.

(a) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 25(a) of the Act of September 26, 1961 (75 Stat. 657).

(b) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 1 or section 2 of the Act of October 24, 1962 (76 Stat. 1247).

8. Section 42.54 is amended to read as follows:

§ 42.54 Exception for alien born in quota area of which neither of his parents was a resident.

An alien who is not a Chinese person and who is not otherwise attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, who was born in a quota area in which neither of his parents was born and in which neither of his parents had a residence at the time of his birth, may be charged to the quota of either parent as provided in section 202(a)(4) of the Act. The parents of such an alien shall not be considered as having acquired a residence within the meaning of section 202(a)(4), if at the time of such alien's birth within the quota area they were merely visiting temporarily or were stationed there under orders or instructions of an employer, principal or superior authority foreign to such quota area in connection with the business or profession of the employer, principal or superior authority.

(Sec. 202, 66 Stat. 177; 8 U.S.C. 1152)

9. Part 44 is hereby revoked.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

DECEMBER 31, 1962.

[F.R. Doc. 63–222; Filed, Jan. 9, 1963; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4566, 34-6982, AS-95]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting for Real Estate Transactions Where Circumstances Indicate That Profits Were Not Earned at Time Transactions Were Recorded

A number of recent cases have come to the attention of the Securities and Exchange Commission in which the gross profits on certain real estate transactions were taken into income under circumstances which indicate that they were not realized in the period in which the transactions were recorded.

The recognition of profit at the time of sale, in accordance with generally accepted accounting principles, is appropriate if it is reasonable to conclude, in the light of all the circumstances, that a profit has been realized. "Profit is deemed to be realized when a sale in the ordinary course of business is effected, unless the circumstances are such that the collection of the sale price is not reasonably assured."[1] Thus, recognition of profit is appropriate only when a bona fide sales transaction has taken place, and then only to the extent that the consideration received in the transaction can be reasonably evaluated.

In some of the situations coming before us it appears from the attendant circumstances that the sale of property is a mere fiction designed to create the illusion of profits or value as a basis for the sale of securities. Moreover, even in bona fide transactions the degree of uncertainty as to ultimate realization of profit may be so great that business prudence, as well as generally accepted accounting principles, would preclude the recognition of gain at the time of sale. Circumstances such as the following tend to raise a question as to the propriety of current recognition of profit:

1. Evidence of financial weakness of the purchaser.
2. Substantial uncertainty as to amount of costs and expenses to be incurred.
3. Substantial uncertainty as to amount of proceeds to be realized because of form of consideration or method of settlement; e.g., nonrecourse notes, noninterest-bearing notes, purchaser's stock, and notes with optional settlement provisions, all of indeterminable value.
4. Retention of effective control of the property by the seller.
5. Limitations and restrictions on the purchaser's profits and on the development or disposition of the property.
6. Simultaneous sale and repurchase by the same or affiliated interests.
7. Concurrent loans to purchasers.
8. Small or no down payment.
9. Simultaneous sale and leaseback of property.

Any such circumstance, taken alone, might not preclude the recognition of profit in appropriate amount. However, the degree of uncertainty may be accentuated by the presence of a combination of the foregoing factors. In the following illustrative cases, taken from recent filings, the Commission deemed it inappropriate to recognize gross profit as recorded as having been realized at the time of sale.

Case No. 1. On the last day of its fiscal year a registrant engaged principally in the development of real estate sold a block of 1,000 lots to a nonaffiliated construction company for $1,100,000, receiving a cash payment of $100,000 and a nonrecourse note of $1,000,000 due in one year, secured only by the lots transferred. Interest was limited to 6 percent for one year or $120 per house. A profit of $500,000 before taxes was recorded on the transaction.

The transaction was subject to, among others, the following conditions and arrangements:

a. Each lot was to be released upon payment of $1,000 plus interest at the time of closing the sale of a house and lot.

b. The registrant was to make the determination of when the houses were to be constructed and to arrange the construction loans.

c. The registrant was to be exclusive sales agent for the construction company, arrange financing and conduct closings with the home buyers.

d. The construction company was to be paid a maximum of $500 profit and an additional $100 to cover overhead expenses on each house sold. Profits to be received by the construction company were to be applied against the note owed to the registrant.

Case No. 2. In September 1961 a registrant sold a block of improved properties to another corporation for consideration of $3,500,000 in cash, a $3,500,000 noninterest-bearing note, and 50,000 shares of the Class A stock of the purchaser which had a current market price of $15 per share. This sale was recorded at these amounts and showed a gain of $2,000,000 after the provision of $500,000 for possible loss and $1,000,000 for Federal income taxes. The noninterest-bearing note is payable during the period from 1970 to 1980. Until 1968 the purchaser has the option of liquidating the note by the issuance of capital stock, the number of shares to be determined by dividing the face amount of the note, $3,500,000, by the lesser of $15 per share or 125 percent of the then current market price. After 1968 registrant may call for payment of the note in stock at $17 per share, and, if such call is made, the purchaser may elect to pay the note in full in cash.

Case No. 3. In September 1961 a registrant acquired approximately 500 acres of undeveloped land for $300,000 in cash and a mortgage of $900,000 and immediately sold the property to an affiliate of the original seller for $2,200,000. The purchaser paid $300,000 in cash, issued a $1,000,000 noninterest-bearing deed of trust note maturing in 18 months, and assumed the $900,000 mortgage. Simultaneously the registrant loaned $1,000,000 to the purchaser on a 6 percent note maturing in 18 months and made a commitment to loan an additional $1,000,000. Registrant recorded a gross profit of $1,000,000 against which a reserve for possible loss in the amount of $260,000 was provided.

Case No. 4. In June 1961 a registrant purchased 20,000 acres of undeveloped land for $1,000,000 cash and a 5 percent note for $3,000,000. Simultaneously, the registrant sold the property to another company for a $2,000,000 noninterest-bearing deed of trust note payable in installments of $1,000,000 in June 1962, $500,000 in June 1963, and $500,000 in June 1964, and for the assumption by the purchaser of the $3,000,000 first lien note. A gross profit on the sale of $1,000,000 was recorded and a reserve of $400,000 was provided for a possible loss.

Case No. 5. A registrant purchased a tract of land for a cash payment of $100,000 and a 10-year nonrecourse noninterest-bearing note in the amount of $800,000 with annual maturities of $80,000. On the same date the land was sold to a nonaffiliated group for a cash payment of $15,000 and a nonrecourse noninterest-bearing purchase money note for $1,785,000. The latter obligation requires annual payments of approximately $100,000 for seven years and a payment of approximately $1,100,000 at the end of the eighth year. At the time of the sale the registrant also advanced to the purchaser $350,000 for use in advertising. The proceeds from the sales of land by the purchaser are assigned to the registrant until the $350,000 advance is paid. The registrant recorded a profit of $900,000 at the date of sale.

Case No. 6. Shortly before the close of its fiscal year a registrant recorded the sale of a block of 150 lots for a total consideration of $375,000. Cash of $75,000 was paid on the settlement date and the purchaser then took title of 30 lots. The balance of the consideration consisted of four notes of $75,000 each bearing interest at 5 percent per annum, due 6, 12, 18, and 24 months after settlement. The purchaser was to take title to 30 lots at the time of settlement of each note. The notes were secured only by a mortgage on the property, and there was no personal liability on the purchaser to complete the payments. In a registration statement filed shortly after the close of the fiscal year this transaction was recorded as a sale in the total amount of $375,000 with an indicated gross profit of $44,000 on the uncollected portion after provision for deferred taxes of $47,000.

[1] Accounting Research Bulletin No. 43, Chapter 1, section A, American Institute of Certified Public Accountants.

Case No. 7. In early 1960 a registrant sold to an unaffiliated purchaser a manufacturing plant and another building used in its operations for a total consideration of $1,500,000 reflecting a profit of $600,000 after taxes. The consideration was realized in the form of cash and assumption of an existing mortgage. The seller simultaneously leased these same properties back at an annual rental of $160,000 for a period of 25 years. The registration statement as effective reported the profit as deferred and to be amortized against rental payments over the life of the leases.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 28, 1962.

[F.R. Doc. 63-221; Filed, Jan. 9, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6632]

PART 16—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1962

Information Returns as to Creation of or Transfers to Certain Foreign Trusts

The following regulations are prescribed under section 6048 of the Internal Revenue Code of 1954, as added by section 7(f) of the Revenue Act of 1962 (76 Stat. 987), relating to the requirement that United States persons file an information return disclosing the creation of a foreign trust or the transfer of money or property to such a trust.

The regulations set forth herein are temporary and are designed to inform persons who are required to file a return as to the information which must be furnished as well as when and where the return must be filed. More comprehensive rules with respect to these and other provisions relating to foreign trusts will be issued subsequently.

In order to prescribe temporary regulations relating to information returns as to the creation of or transfers to certain foreign trusts under section 6048 of the Internal Revenue Code of 1954, the following regulations are hereby adopted:

§ 16.3 Statutory provisions; returns as to creation of or transfers to certain foreign trusts.

SEC. 6048. *Returns as to creation of or transfers to certain foreign trusts*—(a) *General rule.* On or before the 90th day after—

(1) The creation of any foreign trust by a United States person, or

(2) The transfer of any money or property to a foreign trust by a United States person,

the grantor in the case of an inter vivos trusts, the fiduciary of an estate in the case of a testamentary trust, or the transferor, as the case may be, shall make a return in compliance with the provisions of subsection (b).

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign trust, such information as the Secretary or his delegate prescribes by regulation as necessary for carrying out the provisions of the income tax laws.

(c) *Cross references.* (1) For provisions relating to penalties for violations of this section, see sections 6677 and 7203.

(2) For definition of the term "foreign trust created by a United States person", see section 643 (d).

[Sec. 6048 as added by sec. 7(f), Rev. Act 1962 (Public Law 87-834, 76 Stat. 987)]

§ 16.3-1 Returns as to the creation of or transfers to certain foreign trusts.

(a) *Requirement of return.* Every United States person who, on or after October 16, 1962, either creates a foreign trust or transfers money or property to a foreign trust, directly or indirectly, shall file an information return on Form 3520, except as provided in subparagraph (4) of paragraph (d) of this section. The return must be filed by the grantor or the transferor, or the fiduciary of the estate in the case of a testamentary trust. The return must be filed whether or not any beneficiary is a United States person and whether or not the grantor or any other person may be treated as the substantial owner of any portion of the trust under sections 671-678.

(b) *Meaning of terms.* For purposes of this section the following terms shall have the meaning assigned to them in this paragraph:

(1) *Foreign trust.* See section 7701(a)(31) of the Code for the definition of foreign trust.

(2) *United States person.* See section 7701(a)(30) of the Code for the definition of United States person.

(3) *Grantor.* The term "grantor" refers to any United States person who by an inter vivos declaration or agreement creates a foreign trust.

(4) *Transferor.* The term "transferor" refers to any United States person, other than a person who is the grantor or the fiduciary (as defined in subparagraph (5) of this paragraph), who transfers money or property to or for the benefit of a foreign trust. It does not refer to a person who transfers money or property to a foreign trust pursuant to a sale or an exchange which is made for full and adequate consideration.

(5) *Fiduciary of an estate.* In the case of a testamentary trust expresed in the will of a decedent the term "fiduciary of an estate" refers to the executor or administrator who is responsible for establishing a foreign trust on behalf of the decedent.

(c) *Information required.* The return required by section 6048 and this section shall be made on Form 3520 and shall set forth the following information:

(1) The name, address, and identifying number of the person (or persons) filing the return, a statement identifying each person named as either a grantor, fiduciary of an estate, or transferor, and the date of the transaction for which the return is being filed;

(2) In the case of a fiduciary of an estate, the name and identifying number of the decedent;

(3) The name of the trust and the name of the country under whose laws the foreign trust was created;

(4) The date the foreign trust was created and the name and address of the person (or persons) who created it;

(5) The date on which the trust is to terminate or a statement describing the conditions which will cause the trust to terminate;

(6) The name and business address of the foreign trustee (or trustees);

(7) A statement either that the trustee is required to distribute all of the trust's income currently (in which case the information required in subparagraph (9) of this paragraph need not be furnished) or a statement that the trust may accumulate some or all of its income;

(8) The name, address, and identifying number, if any, of each beneficiary who is either named in the instrument or whose identity is definitely ascertainable at the time the return required by this section is filed, and the date of birth for each beneficiary who is a United States person and whose rights under the trust are determined, in whole or in part, by reference to the beneficiary's age;

(9) Except as provided in subparagraph (7) of this paragraph, a statement with respect to each beneficiary setting forth his right to receive income or corpus, or both, from the trust, his proportionate interest, if any, in the income or corpus, or both, of the trust, and any condition governing the time when a distribution to him may be made, such as a specific date or age (or in lieu of such statement a copy of the trust instrument which must be attached to the return);

(10) A detailed list of the property transferred to the foreign trust in the transaction for which the return is being filed, containing a complete description of each item transferred, its adjusted basis and its fair market value on the date transferred, and the consideration, if any, paid by the foreign trust for such transfer; and

(11) The name and address of the person (or persons) having custody of the books of account and records of the foreign trust, and the location of such books and records if different from such address.

(d) *Special provisions*—(1) *Separate return for each foreign trust and each transfer.* If a United States person creates more than one foreign trust or transfers money or property to more than one foreign trust, then separate returns must be filed with respect to each foreign trust where returns are required under section 6048 and this section. If a United States person transfers money or property to the same foreign trust at different times, then separate returns must be filed with respect to each transfer where returns are required under section 6048 and this section. However, where more than one transfer to the same foreign trust is made by a United States person during any 90-day period, such person may, at his election, file a

single return, so long as the return includes the information required with respect to each transfer and is filed on or before the 90th day after the earliest transfer in any such period.

(2) *Joint returns.* Where returns are required under section 6048 and this section by two or more persons who either jointly create a foreign trust or jointly transfer money or property to a foreign trust, they may jointly execute and file one return in lieu of filing several returns.

(3) *Actual ownership of money or property transferred.* If any person referred to in this section is not the real party in interest as to the money or property transferred but is merely acting for a United States person, the information required under this section shall be furnished in the name of and by the actual owner of such money or property, except that a fiduciary of an estate shall file information relating to the decedent.

(4) *Payments to an employees' trust, etc.* In the case of contributions made to a foreign trust under a plan which provides pension, profit-sharing, stock bonus, sickness, accident, unemployment, welfare, or similar benefits or a combination of such benefits for employees, neither employers nor employees shall be required to file a return as set forth in this section.

(e) *Time and place for filing return*—(1) *Time for filing.* Any return required by section 6048 and this section shall be filed on or before the 90th day after either the creation of any foreign trust by a United States person or the transfer of any money or property to a foreign trust by a United States person. The Director of International Operations is authorized to grant reasonable extensions of time to file returns under section 6048 and this section in accordance with the applicable provisions of section 6081(a) and § 1.6081–1.

(2) *Place for filing.* Returns required by section 6048 and this section shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.

(f) *Penalties*—(1) *Criminal.* For criminal penalties for failure to file a return see section 7203. For criminal penalties for filing a false or fraudulent return, see sections 7206 and 7207.

(2) *Civil.* For civil penalty for failure to file a return or failure to show the information required on a return under this section, see section 6677.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

Since section 6048 is applicable with respect to transactions occurring on or after October 16, 1962 (the date of enactment of the Revenue Act of 1962), a United States person making a transfer on that date is required to file a return no later than January 14, 1963. For this reason it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: January 7, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–239; Filed, Jan. 9, 1963; 8:48 a.m.]

Title 47—TELECOMMUNICATION

[FCC 63–4]

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1963;

The Commission having under consideration Parts 0 and 1 of its rules and regulations, and the need for a number of minor changes therein; and

It appearing that § 0.207(b)(3), authorizing action by the Review Board on requests to file additional pleadings in certain proceedings, should refer to § 1.43 rather than § 1.13; and

It further appearing that requests filed pursuant to § 1.11 should contain references to the statutory or regulatory provisions (if any) upon which the request is founded; and

It further appearing that requests for action by more than one authority should not be combined in a single pleading, and that § 1.12 should be amended to provide that pleadings which improperly combine requests may in appropriate cases be returned to the person who filed the pleading; and

It further appearing that § 1.13, concerning the filing of pleadings in certain Commission proceedings, should more precisely describe the pleadings authorized in such proceedings and, in particular, that the reply to oppositions should be filed only by petitioner, that he should reply to the various oppositions in a single pleading (rather than separately), that the reply should be limited to matters raised in the oppositions, and that the reply should be filed within 5 days after the time for filing oppositions has expired; and

It further appearing that a new § 1.19, cross-referencing widely separated provisions pertaining to requests for stays, should be added; and

It further appearing that § 1.46(a) now precludes action on motions for extension of time until after the time for filing oppositions and replies has expired, that the time for filing the pleading in question frequently passes before action can be taken on the motion for extension of time, and that this situation should be corrected by authorizing ex parte rulings on motions for extension of time; and

It further appearing that § 1.140(e) now requires each person named by the Commission as a party respondent in a hearing proceeding to file a written appearance stating that he will present evidence on the issues specified in the notice of hearing, that this is neither the current practice nor a suitable requirement, and that this provision should be deleted; and

It further appearing that authority for adoption of the amendment herein is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to Commission organization and procedure, and hence that the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective January 28, 1963, That Parts 0 and 1 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 0.207(b)(3), 1.11, 1.12, and 1.13 are amended to read as follows:

§ 0.207 Authority delegated to the Review Board on a regular basis.

* * * * *

(b) *Original action on interlocutory matters.* * * *

(3) Requests for leave to file pleadings in addition to those authorized by § 1.43 of this chapter.

§ 1.11 Requests for Commission action.

Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request.

§ 1.12 Separate pleadings for different requests.

(a) Requests requiring action by the Commission shall not be combined in a pleading with requests for action by a hearing examiner or by any person or persons acting pursuant to delegated authority.

(b) Requests requiring action by a hearing examiner shall not be combined in a pleading with requests for action by the Commission or by any person or persons acting pursuant to delegated authority.

(c) Requests requiring action by any person or persons pursuant to delegated authority shall not be combined in a pleading with requests for action by any other person or persons acting pursuant to delegated authority.

(d) Pleadings which combine requests in a manner prohibited by paragraph (a), (b), or (c) of this section may be returned without consideration to the person who filed the pleading.

(e) Any request to stay the effectiveness of any decision or order of the Commission shall be filed as a separate pleading. Any such request which is not filed as a separate pleading will not be considered by the Commission.

NOTE: Matters which are acted on pursuant to delegated authority are set forth in Subpart B of Part 0 of this chapter. Matters acted on by the hearing examiner are set forth in § 0.231.

§ 1.13 Pleadings; filing periods.

Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section.

(a) *Oppositions.* Oppositions to any motion, petition, or request may be filed by any party to the proceeding within 10 days after the original pleading is filed.

(b) *Replies.* The party who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed.

(c) *Additional pleadings.* Additional pleadings may be filed only if specifically requested or authorized by the Commission.

(d) *Requests for temporary relief; shorter filing periods.* Oppositions to a request for stay of any order or decision or to a request for other temporary relief shall be filed within 5 days after the request is filed. Replies shall be filed within 3 days after the time for filing oppositions has expired.

NOTE: Where specific provisions conflict with the provisions of this section, the specific provisions are controlling. See, in particular, §§ 1.43(c) and 1.46(a).

2. Section 1.19 is added to read as follows:

§ 1.19 Requests for stay.

General rules relating to requests for stay of any order or decision are set forth in §§ 1.11, 1.12(e), and 1.13(d). See also §§ 1.82, 1.84(n), and 1.85(h).

3. Sections 1.46 and 1.140(e) are amended to read as follows:

§ 1.46 Rulings; time for action.

(a) Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have consented, the Review Board, Chief Hearing Examiner, or Presiding Officer shall withhold consideration of any motion, petition, or other pleading until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, the Review Board, Chief Hearing Examiner, or Presiding Officer may rule ex parte upon motions for extension of time, without waiting for the filing of oppositions or replies.

§ 1.140 Procedure when an application is designated for hearing.

* * * * *

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear at the hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

[F.R. Doc. 63-258; Filed, Jan. 9, 1963; 8:50 a.m.]

[FCC 63-5]

PART 1—PRACTICE AND PROCEDURE

Number of Copies of Pleadings

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1963;

The Commission having under consideration the provisions of its procedural rules pertaining to the number of copies of pleadings required to be filed, and the need to increase the required number to meet the Commission's needs; and

It appearing that the original and 9 copies of pleadings now required by § 1.42 in interlocutory matters before the Review Board has proved inadequate; that an original and 14 copies should be required in such cases; and that, to avoid confusion, an original and 14 copies should also be required in interlocutory matters before the Chief Hearing Examiner or the Presiding Officer; and

It further appearing that the original and 14 copies now required by § 1.54 in all other matters has proved inadequate, except in rule making proceedings; that an original and 19 copies should be required in all such cases except rule making; and that the present requirement of an original and 14 copies should be retained in rule making proceedings; and

It further appearing that identical comments are sometimes filed in more than one rule making proceeding; that, unless the proceedings have been consolidated, two additional copies are needed for the docket files for each additional proceeding; and that § 1.215 should be amended to require the filing of two additional copies in such circumstances; and

It further appearing that authority for adoption of the amendments herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to procedural matters, and hence that the notice, procedural, and executive date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective January 28, 1963, That §§ 1.42, 1.54, and 1.215 of the Commission's rules of practice and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 1.42, 1.54, and 1.215 are amended to read as follows:

§ 1.42 Number of copies.

An original and 14 copies of each motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or Presiding Officer shall be filed.

§ 1.54 Number of copies of pleadings, briefs, and other documents.

(a) Except in rule making proceedings (§ 1.215), or with regard to interlocutory matters acted on by the Review Board, the Chief Hearing Examiner, or the Presiding Officer (§ 1.42), or as otherwise specifically provided in this chapter, an original and 19 copies of all pleadings, briefs, and other documents required or permitted to be filed shall be furnished the Commission.

(b) When service of any document is made by the Commission, an additional copy of that document shall be filed for each party to the proceeding.

§ 1.215 Form of comments and replies; number of copies.

(a) Comments, replies, and other documents filed in a rule making proceeding shall conform to the requirements of § 1.52.

(b) An original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in a rule making proceeding shall be furnished the Commission.

(c) Any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket. This requirement does not apply if the proceedings have been consolidated.

[F.R. Doc. 63-259; Filed, Jan. 9, 1963; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart A—General Provisions

Correction

In F.R. Doc. 62-12780, appearing at page 12803 of the issue for Friday, December 28, 1962, the following correction is made in § 40.111-4: The phrase "in multiples of $500" should read "in multiples of $5.00".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 9, 10]

EXEMPTION APPLICABLE TO GIFT PARCEL IMPORTATIONS

Proposed Reduction

Many instances of undervaluation and false invoicing have been regularly found in the shipment of gift parcels from persons in foreign countries to persons in the United States. In addition, the designation of mail-order packages as gifts and the recent practice of the splitting of shipments to reduce the value of each shipment to an amount less than $10 have necessitated the proposed amendments to protect the revenue and prevent unlawful importations.

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 321 of the Tariff Act of 1930, as amended (19 U.S.C. 1321), it is proposed to amend §§ 8.3(c), 8.3(d)(2), 8.3(d)(6), 9.6(b), and 10.17(c) of the Customs regulations to reduce from $10 to $1 the aggregate value of articles which may be admitted free of duty and internal revenue tax, under the provision of section 321(a)(2)(A) of the Tariff Act of 1930, as amended.

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: December 31, 1962.

JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-234; Filed, Jan. 9, 1963; 8:48 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to conform the provisions relating to exempt mutual insurance companies and associations to section 822(b) of the Internal Revenue Code of 1954 as amended by section 3(a)(3) of the Life Insurance Company Tax Act for 1955 (70 Stat. 47), to clarify the provisions relating to feeder organizations in view of the decision in Hospital Bureau of Standards and Supplies, Inc. v. United States (Ct. Cl. 1958), 158 F. Supp. 560, and to reflect the amendments made by the Act of April 7, 1958 (Public Law 85-367, 72 Stat. 80) and by section 75(b) of the Technical Amendments Act of 1958 (72 Stat. 1661).

PARAGRAPH 1. Section 1.501(c)(15)-1 is amended to read as follows:

§ 1.501(c)(15)-1—Mutual insurance companies or associations.

(a) *Taxable years beginning after December 31, 1954.* An insurance company or association described in section 501(c)(15) is exempt under section 501(a) if it is a mutual company or association (other than life or marine) or if it is a mutual interinsurer or reciprocal underwriter (other than life or marine) and if the gross amount received during the taxable year from the sum of the following items does not exceed $75,000:

(1) The gross amount of income during the taxable year from—

(i) Interest (including tax-exempt interest and partially tax-exempt interest), as described in § 1.61-7. Interest shall be adjusted for amortization of premium and accrual of discount in accordance with the rules prescribed in section 822(d)(2) and § 1.822-7.

(ii) Dividends, as described in § 1.61-9.

(iii) Rents and royalties, as described in § 1.61-8.

(iv) The entering into of any lease, mortgage, or other instrument or agreement from which the company may derive interest, rents, or royalties.

(v) The alteration or termination of any instrument or agreement described in subdivision (iv) of this subparagraph.

(2) The gross income from any trade or business (other than an insurance business) carried on by the company or association, or by a partnership of which the company or association is a partner.

(3) Premiums (including deposits and assessments).

(b) *No double inclusion of income.* In computing the gross income from any trade or business (other than an insurance business) carried on by the company or association, or by a partnership of which the company or association is a partner, any item described in section 822(b)(1)(A), (B), or (C) and paragraph (a)(1) of this section shall not be considered as gross income arising from the conduct of such trade or business, but shall be taken into account under section 822(b)(1)(A), (B), or (C) and paragraph (a)(1) of this section.

(c) *Taxable years beginning after December 31, 1953, and before January 1, 1955.* An insurance company or association described in section 501(c)(15) is exempt under section 501(a) if it is a mutual company or association (other than life or marine) or if it is a mutual interinsurer or reciprocal underwriter (other than life or marine) and if the gross amount received during the taxable year from the sum of the following items does not exceed $75,000:

(1) The gross amount of income during the taxable year from—

(i) Interest (including tax-exempt interest and partially tax-exempt interest), as described in § 1.61-7. Interest shall be adjusted for amortization of premium and accrual of discount in accordance with the rules prescribed in section 822(d)(2) and § 1.822-3.

(ii) Dividends, as described in § 1.61-9.

(iii) Rents (but excluding royalties), as described in § 1.61-8.

(2) Premiums (including deposits and assessments).

(d) *Exclusion of capital gains.* Gains from sales or exchanges of capital assets to the extent provided in subchapter P (section 1201 and following, relating to capital gains and losses), chapter 1 of the Code, shall be excluded from the amounts described in this section.

PAR. 2. Paragraph (b) of § 1.502-1 is amended to read as follows:

§ 1.502-1 Feeder organizations.

* * * * *

(b) If a subsidiary organization of a tax-exempt organization would itself be exempt on the ground that its activities are an integral part of the exempt activities of the parent organization, its exemption will not be lost because, as a matter of accounting between the two organizations, the subsidiary derives a profit from its dealings with its parent

organization, for example, a subsidiary organization which is operated for the sole purpose of furnishing electric power used by its parent organization, a tax-exempt educational organization, in carrying on its educational activities. However, the subsidiary organization is not exempt from tax if it is operated for the primary purpose of carrying on a trade or business which would be an unrelated trade or business (that is, unrelated to exempt activities) if regularly carried on by the parent organization. For example, if a subsidiary organization is operated primarily for the purpose of furnishing electric power to consumers other than its parent organization (and the parent's tax-exempt subsidiary organizations), it is not exempt since such business would be an unrelated trade or business if regularly carried on by the parent organization. Similarly, if the organization is owned by several unrelated exempt organizations, and is operated for the purpose of furnishing electric power to each of them, it is not exempt since such business would be an unrelated trade or business if regularly carried on by any one of the tax-exempt organizations. For purposes of this paragraph, organizations are related only if they consist of—

(1) A parent organization and one or more of its subsidiary organizations; or

(2) Subsidiary organizations having a common parent organization.

An exempt organization is not related to another exempt organization merely because they both engage in the same type of exempt activities.

PAR. 3. Section 1.512(b) is amended by adding a new paragraph (13) to section 512(b) and by adding a historical note at the end of such § 1.512(b). These added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; exceptions, additions, and limitations.

SEC. 512. *Unrelated business taxable income.* * * *

(b) *Exceptions, additions, and limitations.* The exceptions, additions, and limitations applicable in determining unrelated business taxable income are the following:

* * * * *

(13) In the case of a trust—

(A) Created by virtue of the provisions of the will of an individual who died after August 16, 1954, and before January 1, 1957,

(B) Which, by virtue of the provisions of such will, is a limited partner in a partnership created under the laws of a State (i) providing for the creation of limited partnerships, and (ii) under which a limited partner has no right to take part in the control of the business without becoming liable as a general partner,

(C) Which, at no time before or during a taxable year of the partnership ending within or with the taxable year of the trust, was (or was liable as) a general partner in such partnership, and

(D) Which is required to distribute all of its income (within the meaning of section 643(b)) currently exclusively for religious, charitable, scientific, literary, or educational purposes, and which is required to distribute all of the corpus exclusively for such purposes,

there shall be excluded its share (determined under subsection (c) without regard to this paragraph and paragraph (11)) of gross income of the partnership as such limited partner and of the partnership deductions directly connected with such income, but, if such share of gross income exceeds such share of deductions, only to the extent that the partnership makes distributions during its taxable year which are attributable to such gross income. For purposes of the preceding sentence (i) any distribution made after the close of a partnership taxable year and on or before the 15th day of the fourth calendar month after the close of such taxable year shall be treated as made on the last day of such taxable year, and (ii) distributions shall be treated as attributable first to gross income other than gross income described in the preceding sentence, and shall be properly adjusted (under regulations prescribed by the Secretary or his delegate) to the extent necessary to reflect capital contributions to the partnership made by the trust, income of the partnership exempt from tax under this title, and other items.

[Sec. 512(b) as amended by Act of April 7, 1958 (Public Law 85-367, 72 Stat. 80)]

PAR. 4. Section 1.6033 is amended by revising paragraphs (6) and (7) of section 6033(b), by adding a new paragraph (8) to section 6033(b), and by adding a historical note. These amended and added provisions read as follows:

§ 1.6033 Statutory provisions; returns by exempt organizations.

SEC. 6033. *Returns by exempt organizations.* * * *

(b) *Certain organizations described in section 501(c)(3).* * * *

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt,

(7) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year, and

(8) The total of the contributions and gifts received by it during the year.

* * * * *

[Sec. 6033 as amended by sec. 75(b), Technical Amendments Act 1958 (72 Stat. 1661)]

[F.R. Doc. 63-240; Filed, Jan. 9, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 14178; FCC 63-14]

RADIO FREQUENCY DEVICES

Receiver Certification Seals; Termination of Proposed Rule Making Proceedings

1. On June 30, 1961, the Commission issued a Notice of Proposed Rule Making to amend Part 15 of the rules with regard to receiver certification seals. The purpose of the amendment was to make certificated receivers more easily identifiable to prospective purchasers.

2. Comments in response to the notice of proposed rule making were received from:

Electronic Industries Association (EIA).
Electronic Industries Association of Japan (EIA-Japan).
General Electric Company (GE).
Heath Company (Heath).
Perma-Power Company (Perma).
Philco Corporation.
Pilot Radio Corporation (Pilot).
Sarkes Tarzian, Inc. (Sarkes Tarzian).
Wells-Gardner Electronics.
Zenith Radio Corporation.

3. For the Commission's information, EIA submitted a copy of RS-163, receiver RF radiation label, adopted August 1956 as an industry standard. This standard specifies a preferred size of 1 x 2½ inches for the receiver label but permits the size to be varied when necessary. The Commission notes that the wording in this standard may also have various interpretations.

4. Seven of the ten comments contained objections to the proposed size of the certifying label. Reasons for the objections were that the proposed size (1'' x 3'') was too big for the smaller receivers and a seal of this size would not fit on one panel of the receiver, and would cover ventilating holes. Several smaller sizes were suggested. EIA-Japan suggested two sizes—one for standard receivers and a smaller size for hand-carried and pocket receivers. Pilot pointed out that the lettering size also should be specified.

5. Six comments contained objections to the proposed placement of the seal on the back panel of the receiver. EIA, EIA-Japan, Philco, Sarkes Tarzian and Wells-Gardner maintained that locating the seal on the back panel would detract and mar the styling of receivers having a decorative back cover. It was suggested that locating the seal either on the back panel or the bottom panel be permitted since small portable sets having finished back covers are easily handled, thus permitting ready inspection of the bottom panel as well as the back panel. Pilot objected to placement of the seal on the back panel since this space is already overcrowded with "controls, terminals, fuses, nomenclature and other items", and suggested mounting the seal inside the cabinet where there is plenty of room and where it would be readily visible. EIA and GE contended that permanently placing seals on the rear panel of the housings or racks of commercial receivers and those receivers used in the mobile services is not feasible since receivers are readily interchangeable in the racks, and the seal and its corresponding receiver might easily be separated. They suggested that the rules permit attaching the seal directly to an accessible area of the receiver.

6. EIA commented that the proposed wording for the seal would require an impractically large seal if the type size were large enough to make the wording clearly legible, and suggested shortening the wording to a simple statement. EIA and Zenith suggested deletion of word "radiation" since it has the connotation of nuclear or X-ray radiation to many people. Heath suggested additional language such as "* * * kit receiver complies with FCC radiation limits when assembled exactly according to instructions." However, we believe that this information could be included in the kit assembly instructions. Perma and Wells-Gardner also commented on the proposed wording.

7. EIA, Philco, and Wells-Gardner objected to the proposed requirement that the seal be of a color which contrasts with the color of the cabinet, since this would preclude the silk screening process which is essentially a single color opera-

tion. Furthermore, this requirement would also preclude stamping or molding the seal into the cabinet.

8. In addition to commenting on the proposed rules, EIA and Zenith suggested that the Commission's rules be revised to require foreign imported receivers to be marked as evidence of compliance with certification requirements. In general, the Commission's technical and legal requirements are not more nor less applicable to foreign than to domestic radio apparatus. These rules apply equally to all receivers regardless of the place of manufacture.

9. Because of the Commission's public notice (FCC 61–680) which cautions prospective purchasers of FM and TV receivers to buy only those units which carry certifying seals, Perma believes that adverse discrimination results against receivers operating outside the band 30–890 Mc/s which are not required to be certificated. Perma suggests that certification be permitted for these receivers also. The Commission, however, has found that receivers operating outside the 30–890 Mc/s band are not an interference problem and that there is no need for their regulation. The Commission directs attention to the above-mentioned public notice which specifically admonishes purchasers against buying FM and TV receivers which have not been certificated.

10. We have considered the advisability of adopting the rules in the light of the reasons set forth in the prior paragraphs by objecting parties. We have particularly taken into account the additional information presented regarding the silk screening process and the impressing of seals in plastic cabinets. It is our judgment, upon evaluation of the comments and data, that the proposed rules should not be adopted at this time. This proceeding is therefore terminated without further action.

Adopted: January 3, 1963.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63–257; Filed, Jan. 9, 1963; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 522]

FEDERAL HOME LOAN BANK SYSTEM; ORGANIZATION OF THE BANKS

[No. 16617]

Proposed Election of Directors

DECEMBER 28, 1962.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it is hereby proposed that § 522.25 of the Regulations for the Federal Home Loan Bank System be amended by an amendment the substance of which is as follows:

Section 522.25 is hereby amended to read as follows:

§ 522.25 Prohibition of actions influencing votes.

Neither an officer, attorney, employee, or agent of the Board nor a Board of Directors, Executive Committee, officer, attorney, employee, or agent of a Bank shall take any action which would tend to influence votes for a directorship in a Bank, and the inclusion by any person in any letter, literature, or other paraphernalia, of language or any presentation indicating, directly or indirectly, that the candidacy of any person for an elective directorship has the support of the Board or of an officer, attorney, employee, or agent of the Board, or of a Bank or of a Board of Directors, Executive Committee, officer, attorney, employee, or agent of a Bank is hereby prohibited. The Board, after hearing, may consider a violation of the provisions of this section as grounds for dismissal from a directorship or may declare the directorship involved as vacant, or both.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than February 14, 1963, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 63–241; Filed, Jan. 9, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

[Delegation of Authority 91–B]

DIRECTOR OF INTERNATIONAL SCIENTIFIC AFFAIRS

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c), I hereby delegate to the Director of International Scientific Affairs of the Department of State, or in his absence to the officer designated to act for him, the performance of all the functions which the Secretary of State is authorized to perform pursuant to and under the authority of section 13(a) and section 13(b) (1) and (2) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875).

Delegation of Authority No. 91–A, dated October 23, 1961, is cancelled and superseded by this delegation.

Dated: October 11, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 63–244; Filed, Jan. 9, 1963; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55798]

DRAWBACK ENTRIES

Omission of Information Which Duplicates Data Contained on Supporting Notices of Exportation and Notices of Lading

JANUARY 3, 1963.

The Bureau, as stated in a notice in the FEDERAL REGISTER on November 16, 1962 (27 F.R. 11325), has considered a proposal to eliminate the repetition on drawback entries of information which is contained on documents furnished in support of such entries.

After careful consideration of all relevant matter presented by interested persons, it has been concluded that there may be omitted from customs Forms 7573, 7575–A and B, 7579, and 7583, the data required under the headings "Exporting Vessel" (or similar heading), "Date of Clearance", and "Name of Shipper", provided such data is shown on customs Forms 7511–A or B, Notice of Exportation of Articles with Benefit of Drawback, or on customs Form 7515, Notice of Lading of Supplies or Equipment with Benefit of Drawback, which are identified on the drawback entry and filed in support thereof. In each such case the claimant shall be required to show the inclusive dates of clearance covering all notices of exportation and notices of lading identified on the drawback entry.

Pending the issuance of revised customs Forms 7573, 7575–A and B, 7579, and 7583, reflecting the foregoing changes, the data specified above may be omitted from drawback entries filed hereafter on the current forms. In such case the form of entry shall be modified appropriately, especially with respect to the required showing of the inclusive dates of clearance.

There are occasions where the quantity and description of exported articles are set forth on notices of exportation and notices of lading in such detail that on the drawback entry a recapitulation of the totals will suffice for liquidation purposes in lieu of separately itemizing on the entry the quantity and description of the exported articles shown on each of the notices of exportation and notices of lading identified on the entry. It has been concluded that such recapitulation of totals may be permitted on drawback entries of a claimant, when in the judgment of a collector of customs, based on experience in liquidating drawback entries of that claimant, future drawback entries showing recapitulations of totals can be processed without endangering the revenue or excessively increasing the administrative burden of the collector's office. Accordingly, each claimant who desires to use the foregoing procedure should make application therefor to the collector of customs with whom it files drawback entries, and the collector shall make the determination provided for above.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63–235; Filed, Jan. 9, 1963; 8:48 a.m.]

[T.D. 55800]

ATLANTIC CEMENT COMPANY, INC.

Notice of Qualification as Citizen of the United States

JANUARY 3, 1963.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883–1), the Atlantic Cement Company, Inc., of 300 Park Avenue, New York, incorporated under the laws of the State of Delaware, did on January 2, 1963, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on January 3, 1963, issued to the Atlantic Cement Company, Inc., a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63–236; Filed, Jan. 9, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

COMMONWEALTH OF PUERTO RICO

Use of Foreign Flag Vessels for Carriage of Lumber

The Maritime Administration has determined that any submission, seeking a suspension of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) filed pursuant to Public Law 87–877 to permit the use of foreign flag vessels for the carriage of lumber to the Commonwealth of Puerto Rico, will be recognized as an application provided the following information is included in such submission:

1. Type of lumber that the applicant wishes to ship.

2. The monthly and total quantity of lumber expected to be shipped.

3. The proposed port or ports of loading.

4. The proposed port or ports of discharge.

5. A statement indicating whether firm contracts of sale for the lumber have been consummated, and if not, what plans the applicant has for sale or disposition of the lumber.

6. A summary statement of the efforts of the applicant to secure space on domestic vessels for the transportation of the lumber, including:

(a) Carriers contacted and method of communication;

(b) Terms requested and/or offered, i.e., berth, f.i.o., etc.;

(c) Minimums offered and/or required; and

(d) Time for shipment requested and/or offered.

7. A summary of efforts made by the applicant to determine a foreign flag rate which would be charged for the transportation of the lumber involved, including all of the items listed in Item 6 above.

Dated: January 8, 1963.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-337; Filed, Jan. 9, 1963; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11076]

TRANSPORTES AEREOS NACIONALES, S.A. AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding, now assigned to be held on January 14, 1963, is hereby postponed to February 12, 1963, at 10:00 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., on January 4, 1963.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 63-249; Filed, Jan. 9, 1963; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cutoff Date for Filing Applications for Federal Capital Contributions

As previously indicated in a circular letter dated November 23, 1962, to the concerned colleges and universities, January 31, 1963, is the date on or before which all applications for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Pub. Law 85-864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed by institutions of higher education in order to be considered for payments from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1964.

All applications shall be submitted to: Student Financial Aid Branch, Division of College and University Assistance, Bureau of Educational Assistance Programs, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Applications received by mail will be considered filed as of the date of postmark.

Forms for Application may be obtained from the above address.

Dated: December 31, 1962.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: January 7, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 63-242; Filed, Jan. 9, 1963; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

LA CROSSE BOILING WATER REACTOR PROJECT

Designation of Members of Atomic Safety and Licensing Board

A notice of hearing in this proceeding was issued December 21, 1962, directing that a hearing be held at 10:00 a.m., c.s.t., on January 24, 1963, in the United States District Court Room, U.S. Post Office and District Court Building, La Crosse, Wisconsin, to consider the issuance of a construction authorization to Allis-Chalmers Manufacturing Company, 1205 South 70th Street, West Allis, Wisconsin, to construct the La Crosse Boiling Water Reactor. The notice provided that the hearing will be conducted by an atomic safety and licensing board composed of three members who will be selected by the Commission pursuant to section 191 of the Atomic Energy Act of 1954, as amended (Public Law 87-615). The members of the atomic safety and licensing board have now been selected as provided in the notice of hearing.

Accordingly, Mr. Arthur W. Murphy, 20 Exchange Place, New York, N.Y., Dr. Eugene Greuling, Duke University, Durham, North Carolina, and Mr. Hugh Paxton, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, are hereby designated as members of the atomic safety and licensing board to consider the issues specified in the notice of hearing and to conduct the hearing in accordance with the Commission's regulations, 10 CFR Chapter I, and the requirements of law. Mr. Murphy will act as Chairman of said board.

Dated at Germantown, Md., this 4th day of January 1963.

For the U.S. Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 63-207; Filed, Jan. 9, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14318, 14319; FCC 63M-11]

COLUMBIA BASIN MICROWAVE CO.

Order Scheduling Hearing

In re applications of Columbia Basin Microwave Company, for renewal of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

The Hearing Examiner having under consideration:

(a) His Order, released February 6, 1962 (FCC 62M-169), wherein he granted a motion for continuance filed by the applicant insofar as it requested that the hearing be postponed until such time as the Commission shall have had an opportunity to act upon a proposed petition for reconsideration and grant without hearing; and

(b) An Order of the Commission, released December 18, 1962 (FCC 62-1311), wherein the petition for reconsideration and grant filed by the applicant on November 13, 1962, was denied;

It appearing that under these circumstances the hearing on the issues specified in the Commission's Order of designation, released October 30, 1961 (FCC 61-1241), should proceed promptly; and

It further appearing that the Examiner has been advised informally by counsel for the applicant that he felt a further prehearing conference would be useful and would expedite the hearing when held;

It is ordered, This 3d day of January 1963, that the hearing herein is rescheduled to commence on January 23, 1963, at 10:00 a.m., at the Offices of the Commission in Washington, D.C., and that a further prehearing conference is scheduled for January 8, 1963, at 9:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: January 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-260; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket No. 14341 etc.; FCC 63R-8]

COLLIER ELECTRIC CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re application of Collier Electric Company, Fort Morgan, Colorado, et al., Docket No. 14341, File No. 848-C1-R-61,

etc.; for renewal of licenses for stations in the Domestic Public Point-to-Point Microwave Radio Service.

1. The Common Carrier Bureau requests that the hearing issues in this proceeding be amended to require consideration of the findings and conclusions in the Laramie Community TV Company proceeding (Docket No. 14552) as to the character qualifications of Laramie Community TV Company.[1] Frontier Broadcasting Company, a party with respect to renewal of one of the licenses, and the Broadcast Bureau support the request. Collier Electric Company has filed no opposition to this petition.

2. By Order (FCC 61–1248, released October 30, 1961) the Commission designated for hearing the above-captioned applications of Collier Electric Company for renewal of licenses for stations in the Domestic Public Point-to-Point Microwave Radio Service serving community antenna television systems in Sterling, Colorado, and Sidney, Kimball, Alliance, and Gering, Nebraska. The issues to be determined at the hearing include the public need for this common carrier service, past business activities of Collier, and Collier's alleged involvement in unlawful or discriminatory practices.

3. By Order (FCC 62–250, released March 5, 1962) the Commission designated for hearing in another proceeding the mutually-exclusive applications of Laramie Community TV Company, which is a Division of Collier Community TV Company, Inc. (Laramie TV), and Albany Electronics, Inc. (Albany), for construction permits for VHF translator stations to serve Laramie, and Tie Siding, Wyoming. The issues in that proceeding require a determination as to whether Laramie TV's proposed translators are designed primarily to interfere with the Albany translators, whether Laramie TV has made willful misrepresentations to the Commission in contending that it was forced because of technical reasons to file for operation on channels causing serious adjacent interference to Albany's channels, and, if so, whether Laramie TV possesses the requisite character qualifications to be a licensee. At a hearing session in the Laramie proceeding on July 19, 1962, Karl O. Krummel, one of the general partners of Collier, testified that Laramie TV was wholly owned, operated, and controlled by Collier. He disclosed that Laramie TV was one of six TV systems owned by Collier Community TV Co. and that all of the stock of Collier Community TV Co. was owned by Collier. Krummel further testified that he and J. E. Collier, the other general partner of Collier, were involved in all of the activities of Laramie TV including general supervisory duties, policy making decisions, and all matters concerning the services requested in the Laramie application.

4. Since it has been established in the Laramie proceeding that the principals of Laramie TV and Collier are the same, the resolution of the character qualification issues in that proceeding may be material to the outcome of the instant proceeding. However, petitioner did not file the instant petition beyond the period prescribed by § 1.141 of the rules. Although petitioner bases its request on testimony given on July 19, 1962, showing the relationship between Collier and Laramie TV, it did not file its instant request until October 22, 1962. No circumstances are alleged by petitioner which justify the undue length of time between this testimony and the filing date. It is therefore apparent that the instant request must be denied as untimely. However, in view of the materiality of the character qualifications issue in the Laramie proceeding to the public interest determination in the instant proceeding, it appears appropriate to amend the issue in this proceeding on our own motion. The amended issue is in substance the same as that proposed by the Common Carrier Bureau.

Accordingly, it is ordered, This 3d day of January 1963, That the Motion to Change Issues, filed by the Common Carrier Bureau on October 22, 1962 is denied; and

It is further ordered, That Issue (e) in this proceeding is amended to read as follows:

To determine, in the light of the evidence adduced on the foregoing issues and in light of the Commission's findings and conclusions with respect to Laramie Community TV Company and its principals in Docket No. 14552, whether a grant of any or all of the captioned applications to Collier Electric Company would serve the public interest, convenience or necessity.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63–261; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket Nos. 14739, 14740; FCC 63R–3]

EDINA CORP. AND TEDESCO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP–14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP–15272; for construction permits.

1. Edina Corp. requests enlargement of the issues in this proceeding or reconsideration by the Review Board of its action denying a similar request in a Memorandum Opinion and Order released October 16, 1962, 24 RR 479. Edina Corp. contends that the actions of Tedesco, Inc. in connection with the application for assignment of license of Station KBLO (now KZNG) Hot Springs, Arkansas (BAL–4186) reflect adversely on Tedesco Inc.'s qualifications to be a licensee of the Commission.[1] The Broadcast Bureau supports Edina Corp.'s petition; Tedesco, Inc., opposes it.

2. The background facts may be briefly summarized as follows: Station KBLO, Hot Springs, Arkansas was in bankruptcy when it was purchased on November 17, 1960, by Tedesco, Inc., the sale conditioned, of course, upon approval by the Federal Communications Commission. Tedesco, Inc. filed an application for assignment of license (BAL–4186) on March 22, 1961. Pending resolution of other matters affecting Tedesco, Inc.'s qualifications to be a licensee of the Commission,[2] the Commission withheld action on the KBLO assignment application. As a result, the sale to Tedesco, Inc. was cancelled and Tedesco, Inc. was surcharged for the losses which the station's operation incurred during the period from November 17, 1960 to August 29, 1961, the date of the Order of the Referee in Bankruptcy cancelling the sale. On October 12, 1961, pursuant to the request of the Trustee in Bankruptcy, the Commission dismissed the application for assignment of KBLO's license to Tedesco, Inc. The Order of the Referee in Bankruptcy cancelling the sale and surcharging Tedesco, Inc. was appealed by Tedesco, Inc. and affirmed by the District Court. In the Matter of Hot Springs Broadcasting, Inc., 207 F. Supp. 303, 24 RR 2011 (1962) (W. Dist. Ark., Hot Springs Division). On August 28, 1962, the Referee in Bankruptcy's Order was modified to reflect an agreement between Tedesco, Inc. and the Trustee in Bankruptcy which provided, inter alia, that a further appeal by Tedesco, Inc. would be dismissed.

3. On August 20, 1962, Edina Corp. filed a petition to enlarge the issues which requested, inter alia, addition of a character qualifications issue as to Tedesco, Inc. Edina Corp. cited the Order of the Referee in Bankruptcy cancelling the sale of Station KBLO and surcharging Tedesco, Inc. for the losses incurred during the pendency of the assignment application. The Referee's Order stated that Tedesco, Inc. had not acted "in good faith" with the Trustee in Bankruptcy. In an opposition filed September 4, 1962, Tedesco, Inc. contended that the essence of the Referee's Order was that the delay in Commission action on the assignment application was chargeable to Tedesco, Inc.; that Tedesco, Inc.'s delay in filing the assignment application was in fact due to corporate reorganization; that, as noted above, the delay in Commission action resulted from a collateral inquiry; and that Tedesco, Inc. was appealing the decision and was confident of reversal. In a Memorandum Opinion and Order released October 16, 1962, 24 RR 479, the Review Board denied Edina Corp.'s request for a character qualifications issue as to Tedesco, Inc., holding that Edina

[1] Before the Review Board for consideration are (1) a petition to change issues, filed by the Common Carrier Bureau on October 22, 1962; (2) a statement in support of petition to change issues, filed by Frontier Broadcasting Company on November 6, 1962; and (3) a statement in support of petition to change issues, filed by the Broadcast Bureau on November 6, 1962.

[1] Before the Review Board for consideration are: Edina Corp.'s petition filed on November 14, 1962 and pleadings properly and timely filed in response thereto.

[2] See Franklin Broadcasting Company, FCC 61–955, released August 3, 1961 and 22 RR 880 (1962).

Corp. had failed to allege sufficient facts to warrant inquiry into the matter.

4. Edina Corp. now requests enlargement of the issues or reconsideration of the above-described Review Board action. Edina Corp.'s petition is based primarily on the now available District Court opinion, which raises serious questions affecting Tedesco, Inc.'s qualifications to be a licensee of the Commission. The District Court affirmed the Referee's order surcharging Tedesco, Inc., after careful consideration of the entire record. The Court found that Tedesco, Inc. "exercised rights of ownership over Station KBLO from November 17, 1960"; that between November 17, 1960 and August 29, 1961, Tedesco, Inc. "increasingly asserted its authority over the management of the radio station"; and that "the Trustee, although operating the radio station during the interim period * * * had no discretion as to policy making, which managerial prerogative had been taken over completely" by Tedesco, Inc. Edina Corp. contends that the District Court's findings in and of themselves require inquiry into whether Tedesco, Inc., in its relationship to Station KBLO during the period from November 17, 1960 until August 29, 1961, violated section 310(b) of the Communications Act. Edina Corp. also contends that Tedesco, Inc.'s attempts to conceal certain aspects of the Court's opinion from the Commission[3] reflect adversely on Tedesco, Inc.'s qualifications.

5. Tedesco, Inc. opposes Edina Corp.'s petition, first on the ground that it was untimely filed.[4] Secondly, Tedesco, Inc. contends that it did not assume legal control over Station KBLO. Attached to Tedesco, Inc.'s opposition are various affidavits which attempt to refute the findings of the District Court. Tedesco, Inc. contends that Edina Corp. has merely recited language from the Court's opinion which uses the word "control" but has failed to show that any control over Station KBLO has been exercised by Tedesco, Inc. "in the sense of the word as used in Commission decisions". As pointed out by Edina Corp. in reply, however, Tedesco, Inc.'s allegations are in turn contradicted by evidence which already appears in the KBLO license file. Finally, Tedesco, Inc. contends that any "assistance" Tedesco, Inc. gave the Trustee in Bankruptcy was rendered in its capacity as prospective purchaser of a bankrupt station; that "in most cases" a Trustee is not an experienced broadcaster; and that such practices have received the legal sanction of the Commission. In this case, however, the Trustee in Bankruptcy was the General Manager of Station KBLO, and Tedesco, Inc. has not satisfactorily explained why or to what extent the Trustee required the assistance of Tedesco, Inc. in managing the station.

6. The findings of the District Court, if demonstrated to be supported by substantial evidence, raise grave questions concerning the possibility of violation of section 310(b) of the Communications Act by Tedesco, Inc. The response of Tedesco, Inc. to Edina Corp.'s petition fails to satisfactorily resolve the many issues raised by Edina Corp.'s request. The Review Board concludes that only a full evidentiary hearing on this entire matter will permit development of the facts and resolution of the question of Tedesco, Inc.'s qualifications. Addition of an issue looking toward a determination of Tedesco, Inc.'s character qualifications will permit development of a complete record on all the facts and circumstances surrounding Tedesco, Inc.'s actions with respect to Station KBLO. Inquiry is warranted into the circumstances surrounding the filing of the KBLO assignment application; the appeals from the orders of the Referee in Bankruptcy and the District Court; and Tedesco, Inc.'s representations to the Commission with respect to Edina Corp.'s petitions of August 20 and November 14, 1962.

Accordingly, it is ordered, This 2d day of January 1963, that the petition for enlargement of issues filed by Edina Corp. on November 14, 1962, is granted; and

It is further ordered, That the Commission's Memorandum Opinion and Order (FCC 62–845), released July 31, 1962, designating the above captioned applications for hearing is amended by addition of the following issues:

(a) To determine all the facts and circumstances surrounding the application by Tedesco, Inc. for assignment of license of Station KBLO, Hot Springs, Arkansas (BAL–4186), and appeals and pleadings related thereto;

(b) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether Tedesco, Inc. has violated section 310(b) of the Communications Act of 1934, as amended;

(c) To determine, with particular reference to the evidence adduced pursuant to the foregoing issues, whether Tedesco, Inc. possesses the requisite character qualifications to be a licensee of the Commission.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63–262; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket No. 14733; FCC 63R–10]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Memorandum Opinion and Order Amending Issues

In re application of Hudson Valley Broadcasting Corp. (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP–14590; for construction permit.

1. The Review Board has under consideration a Motion for Modification of Issues in this proceeding filed by Hudson Valley Broadcasting Corp. (WEOK) on November 19, 1962, and the Broadcast Bureau's response thereto, filed December 3, 1962.

2. Movant requests that Issue 4[1] be modified to add language concerning a waiver with respect to the requirements of § 3.24(b) of the rules. In support, it states that it was assumed that "waiver" considerations were appropriate without an express waiver suffix to the issue; but that, in light of the Memorandum Opinion and Order in the case of Wright and Maltz, Inc. (WBRB), 24 RR 429 (released October 22, 1962) it appears that a waiver suffix to the § 3.24(b) issue is at least appropriate, if not required; and that it was not until this ruling was read by applicant's counsel on November 14, 1962 that applicant was aware that the present motion was desirable.

3. The Broadcast Bureau, in its response, states that movant has not shown good cause for its late filing of the motion, as required by § 1.141 of the Commission's rules. In support, it states that the Designation Order in this proceeding was published in the FEDERAL REGISTER on August 3, 1962, and thus the motion should have been filed within 15 days of that date, as required by the rule; that in connection with applicant's statement that it was unaware of the necessity of a waiver clause until release of the aforementioned Memorandum Opinion and Order, it should be noted that as early as July 10, 1961, the Commission, in Strafford Broadcasting Corp. (WWNH) 21 RR 793, added waiver language to a § 3.24(b) issue; and that therefore the applicant has not made the requisite showing under § 1.141 of the rules. However, the Bureau suggests that, in light of the holdings in the above-mentioned cases, the Review Board, on its own motion, should modify the issues as requested.

4. The Review Board is in agreement with the Broadcast Bureau that movant has not shown good cause for its tardiness in filing its request for modification of issues, and that, therefore the motion should be denied, but the Board will, on its own motion, modify Issue 4 as requested.

Accordingly, it is ordered, This 3d day of January 1963, that the Motion for Modification of Issues filed by Hudson Valley Broadcasting Corp. (WEOK) is denied; and

It is further ordered, On the Board's own motion, that Issue 4 is modified to read as follows:

4. To determine because of interference received, whether the nighttime proposal of Station WEOK would be consistent with the requirements of § 3.24(b)

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[3] Edina Corp. appears to contend that Tedesco, Inc. was the only party to this proceeding which had the District Court opinion available to it during the pendency of its August 20 petition and nevertheless failed to advise the Commission that such opinion contained findings of a more serious nature than those made by the Referee in Bankruptcy.

[4] The District Court opinion did not appear in the Pike & Fischer service until after October 24, 1962. Since Edina Corp.'s petition was filed on November 14, 1962, we conclude that Edina Corp. has acted diligently in prosecuting this entire matter.

[1] Issue 4 reads as follows:

4. To determine because of interference received, whether the nighttime proposal of Station WEOK would be consistent with the requirements of § 3.24(b) of the Commission's rules.

and, if not, whether circumstances exist warranting waiver of the rule.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-263; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket Nos. 12680, 12681; FCC 63-19]

KANSAS BROADCASTERS, INC., AND SALINA RADIO, INC.

Memorandum Opinion and Order

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

1. The Commission has before it for consideration a "Petition for Reconsideration", filed August 29, 1962, by Kansas Broadcasters, Inc., together with responsive pleadings filed by Salina Radio, Inc., and KJSK, Inc.

2. Kansas' petition is directed to the Commission's Decision adopted July 25, 1962 (33 FCC 108, 23 RR 1109) granting the application of Salina Radio for a new Class III standard broadcast station at Salina, Kansas, and denying Kansas' application for the same facilities. Therein, the Commission concluded that Kansas had failed to meet its burden of proving that it would comply with § 3.28 (d) (3) of the rules (the 10 percent rule), and had failed to establish sufficient basis for waiver of such rule. Because Kansas was thereby disqualified, the Commission granted Salina's application, Salina having previously been found to be basically qualified.

3. Kansas urges, as to its own application, that it adequately met its burden of proving compliance with the 10 percent rule, or, alternatively, that waiver thereof is warranted. As to Salina's application, Kansas contends that Salina should be disqualified for violation of § 3.35 of the Commission's rules, by virtue of the overlap between its proposed service area and that of Station KVGB, in view of the degree of common ownership of KVGB, Inc., and Salina Radio. Alternatively, Kansas asks that further hearing be held to determine Salina Radio's compliance with § 3.35 of the rules.

4. The facts of record concerning the multiple ownership question are these: Grover Cobb, vice-president, director, and 45-percent owner of Salina Radio, is 20.9-percent owner and vice-president of KVGB, Inc., and general manager of Station KVGB, Great Bend, Kansas. KVGB and the Salina proposal involve both 0.5 mv/m and 2.0 mv/m overlap. The 0.5 mv/m overlap area contains 90,000 persons, representing 45 percent of the population and 55.6 percent of the area within Salina Radio's proposed interference-free contour and 37 percent of the population within KVGB's interference-free contour. 2.0 mv/m overlap embraces a maximum area of 396 square miles and 5,700 persons. From 9 to 18 other stations render primary service to the overlap area, and neither Salina Radio nor KVGB would serve the community of the other.

5. Salina Radio urges in response that throughout this proceeding the overlap question has been treated as of significance only under the comparative issue, and that Kansas' request for addition of a § 3.35 issue comes far too late. Salina further contends that Cobb controls neither KVGB nor Salina, and that "there is no possibility of a dynastic concentration of ownership interests." Salina also points out that Kansas has not alleged any connection between KVGB and Salina in the areas of advertising and programming.

6. The Commission agrees with Salina that Kansas' request for the addition of a multiple ownership issue is manifestly untimely, coming as it does after final decision, and that portion of its petition requesting further hearing on a § 3.35 issue will be denied. Were there no more involved here than conflicting private claims, further consideration of this matter would be unnecessary. However, the facts present here raise an important public interest question involving the basic qualifications of Salina Radio, a question deemed paramount to the private interests of the parties and to the public interest consideration favoring expeditious completion of adjudicatory proceedings. Thus, Salina's claim that Cobb controls neither KVGB nor Salina is not supported, for he conceded that he exercises authority over the KVGB operation and that he would be consulted on policy matters affecting Salina. While Kansas has not alleged a connection between KVGB and Salina in the areas of advertising and programming, Salina has not denied such a connection, and the record provides no basis for a conclusion either way. In view of the foregoing we will, on our own motion, reopen the record to determine Salina Radio's compliance with § 3.35 (a) and (b) of the rules; see Sheffield Broadcasting Co., 33 FCC 77, 21 RR 514j (1962).

7. That portion of Kansas' petition challenging the Commission's conclusions with respect to Kansas' failure to prove compliance with the 10 percent rule is essentially a reargument of matters considered fully by the Commission in reaching its decision. The conclusion that Kansas had not met its burden of proof was based on the facts that Kansas (a) "failed to give weight to the last measurement point" on test transmitter radials 355° and 10°, resulting in "an unwarranted misplacement of the Kansas service contour"; and (b) failed to correctly place the interference contours of Station KGLC in the area of KGLC's 333° radial. Kansas urges, as to the first question, that its practice of applying the measured conductivity on a partial radial only to a point midway between the last and the next-to-last measured points is supported by sound engineering judgment, and that in any event the effect upon the placement of its contour is negligible. The Commission rejects both arguments. At the last measurement points on the 355° and 10° radials the deviations from the conductivities as established from other measurement points on the respective radials are not such as to warrant reversion to the conductivity map at distances short of the last points. Whether the effect of Kansas' error was negligible can only be determined by a comparison of its results with those obtained by properly applying the data. Since the record is silent as to what areas and populations would be affected by this correction, such a comparison is impossible and it cannot be said that the effect of the error was negligible.

8. With respect to the KGLC 333° radial, Kansas argues that despite the relocation of the last 17 measurement points thereon (by distances up to 3.3 miles), the conductivity derived from the plot thereof remains the same as does the KGLC radiated field, and therefore the location of the interference contours would be unaffected. It appears, however, that Kansas located the KGLC interference contours by reference to the curve originally drawn through its measured data, and failed, after replotting such data, to relocate the interference contours.

9. In view of our determination to reopen the proceeding for the purpose of exploring Salina Radio's compliance with § 3.35, the Commission considers it appropriate to afford Kansas an opportunity to correct the deficiencies in its showing heretofore noted in order that the Commission may determine whether, and if so, to what degree, it would violate the 10 percent rule. In this connection, Commission study of the test transmitted data indicates the possibility that both Kansas and Salina underestimated the effective field of the test transmitter, and further review of this matter would be justified. Additionally, the licensee of Station KGLC reported to the Commission in February 1962 a readjustment in that station's directional array, which may affect the interference which Kansas' proposal would receive from KGLC, and confirmatory measurements upon the KGLC radials previously considered appear warranted. Finally, the record should be made current by use of 1960 U.S. Census data.

10. The further hearing ordered herein shall be limited to a determination of the §3.35 issue as to Salina Radio, specified below, and to afford the parties an opportunity to resolve the 10 percent rule question obtaining as to Kansas. The grant of Salina Radio's application will be stayed pending determination of these matters.

Accordingly, it is ordered, This 3d day of January 1963, that the Decision of July 25, 1962 (33 FCC 108), is stayed, and the above-captioned proceeding is remanded to the Hearing Examiner for further proceedings consistent with the foregoing and upon the following issue: To determine whether a grant of the application of Salina Radio, Inc., would contravene the provisions of § 3.35 (a) and (b) of the Commission's rules.

It is further ordered, That the Petition for Reconsideration filed August 29,

1962, by Kansas Broadcasters, Inc., is denied.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-264; Filed, Jan. 9, 1963; 8.51 a.m.]

[Docket Nos. 14639, 14640; FCC 63M-14]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Continuing Hearing

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

In view of the pendency of the application of Olney Broadcasting Company to dismiss its application in this proceeding: *It is ordered,* This 3d of January 1963, that the hearing herein now scheduled for January 23, 1963, be and the same is hereby rescheduled for February 19, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: January 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-265; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket No. 14906; FCC 63-21]

1360 BROADCASTING CO., INC. (WEBB)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of 1360 Broadcasting Co., Inc., (WEBB), Baltimore, Maryland, Docket No. 14906, File No. BP-14767; has 1360 kc, 5 kw, DA-Day, Class III, req. 1360 kc, 1 kw, 5 kw-LS, DA-2, U, Class III; for construction permit.

1. The Commission has before it for consideration the above-captioned and described application together with a petition for waiver of §§ 3.28(d) and 3.188(b)(2) of the Commission's rules; and an informal request, not under oath, filed February 27, 1962, from Belvedere Broadcasting Corporation, licensee of Station WWIN, Baltimore, Maryland, requesting that the Commission withhold action on the above-captioned application, pending an investigation of certain matters.[2]

2. WWIN, by informal unverified request, asked the Commission to withhold action and to investigate certain matters in connection with the above-captioned application. The request does not meet the formal requirements of section 309(d) of the Communications Act of 1934, as amended, or of § 1.359 (i) of the Commission's rules, nor does it contain any allegations of fact showing that a grant of this application would be prima facie inconsistent with the public interest. However, the Commission is of the opinion that WWIN should be made a party to the proceeding, because of its claim that a grant of this application would cause loss or deterioration of service, and that the above-captioned application is not the only program service provided to the Negro residents of the city of Baltimore. WWIN also alleges that the proposed antenna site is not available because of zoning restrictions. By an amendment filed October 19, 1962, the transmitter site of WEBB has been relocated a distance of 0.65 mile, to an area that is properly zoned. Since this question is now moot, no issue with respect to availability of site will be specified.

3. WEBB, in its petition for wavier of §§ 3.28(d) and 3.188(b)(2) of the Commission's rules, alleges that waivers would be in the public interest, because of the specialized programming that the proposed operation would bring to the Baltimore Negro community. In support of these requests, WEBB makes an extensive showing that the Negro population of Baltimore is in a close and compact area and that the need for complete coverage of Baltimore is not necessary, since the proposed operation would serve 98.1 percent of the Negro audience within the city of Baltimore, thus presenting circumstances warranting a waiver of § 3.28(d)(2) of the rules. Also it claims that, even though the proposed operation of WEBB receives substantially more than 10 percent population loss, it will not suffer any loss within the confines of the Baltimore Negro community, and therefore a waiver of § 3.28(d)(3) is warranted. While the plea of WEBB is not without significance, the Commission is of the opinion that an evidentiary hearing should take place to determine whether circumstances exist which would warrant a waiver of the provisions of §§ 3.28(d)(3) and 3.28(d)(2) of the rules. Since the proposed operation will be limited to a value somewhat greater than 10 mv/m and since the nighttime limitation contour does not cover the entire city of Baltimore, the provisions of § 3.28(d)(2) and not § 3.188(b)(2) are applicable to this proposal.

In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the applicant must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WEBB and the availability of other primary service to such areas and populations.

2. To determine whether interference received from existing standard broadcast stations would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal of 1360 Broadcasting Co., Inc., in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the instant proposal of 1360 Broadcasting Co. Inc., would provide coverage of the city sought to be served as required by § 3.28(d)(2) of the Commission's rules, and if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the letter request of Belvedere Broadcasting Corporation, licensee of Station WWIN, is hereby denied.

It is further ordered, That Belvedere Broadcasting Corporation, licensee of Station WWIN, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the above-captioned application, the construction permit shall be conditioned as follows:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Permittee shall be responsible for the installation and adjustment of filter networks and other equipment which may be necessary to prevent any objectionable problems of interaction with other broadcast stations.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of such notice as required by §1.362(h) of the rules.

Adopted: January 3, 1963.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-266; Filed, Jan. 9, 1963; 8:51 a.m.]

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[1] Commissioners Minow and Henry not participating; Commissioner Hyde dissenting.

[2] On December 17, 1962, WWIN filed a "Further Request for Hearing with Respect to, and/or denial of, Application". Even though the pleading did not meet the procedural requirements of the Commission's rules, on the merits, no new facts were alleged therein.

[Docket No. 14856; FCC 63M–19]

WESTERN BROADCASTERS, INC.

Order Continuing Hearing

In re application of Western Broadcasters, Inc., Cheyenne, Wyoming, Docket No. 14856, File No. BP–13343; for construction permit.

The Hearing Examiner having under consideration a motion filed January 3, 1963, by Western Broadcasters, Inc., requesting that the date for the prehearing conference herein be continued from January 7 to February 11, 1963 (the earliest practical date therefor due to prior commitments of counsel for the Broadcast Bureau which will require his absence from Washington) and that the hearing, presently scheduled to commence on January 22, 1963, be continued to a date to be established at the prehearing conference;

It appearing, that due to adverse weather conditions presently existing in the Rocky Mountain area it is impossible at the present time to take required measurements and to present a reasonably accurate estimate as to when engineering exhibits might be exchanged; and

It further appearing, that good cause for the requested continuances has been shown, that counsel for all parties have agreed to such continuances, and that it is appropriate to grant the subject motion;

It is ordered, This 4th day of January 1963, that the subject motion is granted, that the prehearing conference, presently scheduled to be held on January 7, 1963, is continued to 9:00 a.m., February 11, 1963, and that the hearing, presently scheduled to commence on January 22, 1963, is continued to a date to be established at the February 11, 1963 prehearing conference.

Released: January 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63–267; Filed, Jan. 9, 1963; 8:51 a.m.]

[Docket No. 14733; FCC 63M–18]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Continuing Prehearing Conference

In re application of Hudson Valley Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP–14590; for construction permit.

Due to the illness of counsel for the applicant: *It is ordered*, This 3d day of January 1963, that the further prehearing conference in the above-entitled proceeding, presently scheduled to be held at 2:00 p.m., January 4, 1963, is continued to 2:00 p.m., January 11, 1963.

Released: January 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63–268; Filed, Jan. 9, 1963; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF ASSOCIATED STEAMSHIP LINES (MANILA)

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 5600–22, between the member lines comprising the Associated Steamship Lines (Manila), operating between the Republic of the Philippines and various foreign nations as well as the United States, modifies the basic agreement of that conference (5600), by providing for the elimination of Australia and New Zealand from the scope of the Association's authority. By its terms, the resignations of all members of the "Australia-New Zealand Group" will become effective with approval of Agreement 5600–22.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–251; Filed, Jan. 9, 1963; 8:50 a.m.]

PACIFIC FAR EAST LINE, INC. AND PACIFIC/INDONESIAN CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 6060–D, between Pacific Far East Line, Inc. (currently a regular member of the Pacific/Indonesian Conference) and the remaining member lines thereof, provides for continued conference participation by the Pacific Far East Line, Inc. as an associate member. As an associate member, Pacific Far East Line, Inc. will engage in transportation services within the scope of the conference agreement; will be obligated to abide by all rates, rules, regulations and decisions of the conference, and will have no vote in the affairs of the conference nor share in the expenses of the conference except as may be specifically agreed upon between the parties thereto.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–252; Filed, Jan. 9, 1963; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI63–283—RI63–292]

GENERAL EXPLORATION CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 3, 1963.

General Exploration Company, Inc., Docket No. RI63–283; Paula R. Hicks, Tutrix, et al., Docket No. RI63–284; Estate of Harvey J. Wier, Sr., Docket No. RI63–285; Joe R. Wier, Docket No. RI63–286; M. N. Stafford, Docket No. RI63–287; M. N. Stafford, Jr., Docket No. RI63–288; Murphy H. Baxter (Operator), et al., Docket No. RI63–289; Murphy H. Baxter, et al., Docket No. RI63–290; Murphy H. Baxter, Docket No. RI63–291; The British-American Oil Producing Company, Docket No. RI63–292.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-283	General Exploration Co., Inc., P.O. Box 124, Opelousas, La.	1	4	El Paso Natural Gas Co. (Vinegarrone Field, Val Verde County, Tex.) (R.R. District No. 1).	$1,586	12- 4-62	[1] 1- 4-63	6- 4-63	12.5	[2] 14.0	
RI63-284	Paula R. Hicks, Tutrix, et al., P.O. Box 1942 O.C.S., Lafayette, La.	1	2	do	1,586	12- 6-62	[1] 1- 6-63	6- 6-63	12.5	[2] 14.0	
RI63-285	Estate of Harvey J. Wier, Sr., P.O. Box 124, Opelousas, La.	1	6	do	1,586	12- 4-62	[1] 1- 4-63	6- 4-63	12.5	[2] 14.0	
RI63-286	Joe R. Wier, P.O. Box 124, Opelousas, La.	1	2	do	1,293	12- 4-62	[1] 1- 4-63	6- 4-63	12.5	[2] 14.0	
RI63-287	M. N. Stafford, P.O. Box 806, Jennings, La.	1	2	do	397	12-10-62	[1] 1-10-63	6-10-63	12.5	[2] 14.0	
RI63-288	do	1	2	do	397	12-10-62	[1] 1-10-63	6-10-63	12.5	[2] 14.0	
RI63-289	Murphy H. Baxter (Operator), et al., 507 Midland National Bank Bldg., Midland, Tex. Attn: Theo Blue, agent.	2	2	Phillips Petroleum Co. (Midland County, Tex.) (R.R. District No. 8).	4,740	12-10-62	[1] 1-10-63	6-10-63	12.5	[3] 13.5	
	Murphy H. Baxter (Operator), et al.	5	1	do	5,040	12-10-62	[1] 1-10-63	6-10-63	12.5	[3] 13.5	
	do	6	1	do	9,230	12-10-62	[1] 1-10-62	6-10-63	12.5	[3] 13.5	
	do	7	1	do	7,680	12-10-62	[1] 1-10-63	6-10-63	12.5	[3] 13.5	
RI63-290	Murphy H. Baxter, et al.	3	1	do	10,140	12-10-62	[1] 1-10-63	6-10-63	12.5	[3] 13.5	
RI63-291	Murphy H. Baxter	4	1	do	100	12-10-62	[1] 1-10-63	6-10-63	12.5	[3] 13.5	
RI63-292	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	5	5	El Paso Natural Gas Co. (Spraberry Trend Field, Glasscock County, Tex.) (R.R. District No. 8).	18	12- 6-62	[1] 1- 6-63	6- 6-63	11.1056	[3] 12.1152	
	The British-American Oil Producing Co.	39	2	El Paso Natural Gas Co. (South Santa Rosa Field, Pecos County, Tex.) (R.R. District No. 8).	1,514	12- 6-62	[1] 1- 6-63	6- 6-63	10.6008	[3] 11.6104	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Redetermined rate increase.
[3] Periodic rate increase.

The six proposed rate increases for gas sold from the Vinegarrone Field, Val Verde County, Texas (Railroad Commission District No. 1) filed by the General Exploration Company, Inc., Paula R. Hicks, Trutrix, et al., the Estate of Harvey J. Wier, Sr., Joe R. Wier, M. N. Stafford and M. N. Stafford, Jr., are equal to the 14.0 cents per Mcf ceiling but should be suspended because the gas may be non-pipeline quality due to excessive sulphur content requiring treatment by the buyer.

The proposed rate increases of Murphy H. Baxter (Operator), et al., Murphy H. Baxter, et al., Murphy H. Baxter and The British-American Oil Producing Company exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 18, 1963.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–210; Filed, Jan. 9, 1963; 8:45 a.m.]

[Project No. 2327]

BROWN CO.

Notice of Application for License

JANUARY 2, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Brown Company (correspondence to: John W. Jordan, Vice President & Secretary, Brown Company, 650 Main Street, Berlin, New Hampshire) for license for constructed Project No. 2327, located on the Androscoggin River, in the Town of Gorham, Coos County, New Hampshire.

The project, to be known as the Cascade Project, consists of: a fixed crest concrete gravity type dam overflow section topped with flashboards about 4⅓ feet high, with concrete wing walls and abutments, forebay gate section topped with flashboards about 1 foot high, and wastegates; a powerhouse at right bank with three 3,400 horsepower turbines direct connected to three 2,400 kilowatt generating units; substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 14, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–208; Filed, Jan. 9, 1963; 8:45 a.m.]

[Project No. 2326]

BROWN CO.

Notice of Application for License

JANUARY 2, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Brown Company (correspondence to: John W. Jordan, Vice President & Secretary, Brown Company, 650 Main Street,

Berlin, New Hampshire) for license for constructed Project No. 2326, located on the Androscoggin River, in the City of Berlin, Coos County, New Hampshire.

The project, to be known as the Cross Project, consists of: a fixed crest concrete gravity type dam overflow section topped with flashboards about 3⅓ feet high, with concrete wing walls and abutments, and two sluice gates and a waste gate; a powerhouse adjacent to the left bank integral with the dam with one 900 horsepower turbine and four 950 horsepower turbines direct connected to one 700 kw, one 720 kw, and three 600 kw generating units; a step-up transformer; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 18, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-209; Filed, Jan. 9, 1963; 8:45 a.m.]

[Docket No. G-3083 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Severance

JANUARY 2, 1963.

Humble Oil & Refining Company et al., Docket No. G-3083 etc.; Gulf Oil Corporation (Operator), et al., Docket No. CI60-412; The Ohio Oil Company, Operator (now Marathon Oil Company), Docket No. CI60-497; Stewart & Gouger Drilling Company, et al., Docket No. CI60-541; Breuer & Curran Oil Company, Docket No. CI60-581; Kirby Petroleum Company, Operator, Docket No. CI60-610; Sun Oil Company (Gulf Coast Division), Docket No. CI62-1186; Roy M. Huffington, Inc., et al., Docket No. CI62-1197; Hugh A. Hawthorne, Docket No. CI63-291; Hugh A. Hawthorne, Docket No. CI63-299.

Notice is hereby given that the matters of the applications in Docket Nos. CI60-412, CI60-497, CI60-541, CI60-581, CI60-610, CI62-1186, CI62-1197, CI63-291 and CI63-299, heretofore scheduled for a hearing in Washington, D.C., on January 3, 1963, in the consolidated proceeding entitled Humble Oil & Refining Company, et al., Docket Nos. G-3083, et al., are severed therefrom for such further disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-211; Filed, Jan. 9, 1963; 8:45 a.m.]

[Docket No. CP63-148]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 2, 1963.

Take notice that on November 27, 1962, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1348, Kansas City 41, Missouri, filed in Docket No. CP63-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period following such authorization, if granted, and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the proposed facilities will not exceed a maximum of $4,000,000, and no single project will exceed a cost of $500,000. The application states that the proposed facilities will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 7, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 28, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-212; Filed, Jan. 9, 1963; 8:45 a.m.]

[Docket No. CI62-1037 etc.]

SHELL OIL CO. ET AL.

Notice of Postponement of Hearing

JANUARY 3, 1963.

Shell Oil Company, Docket No. CI62-1037; Humble Oil and Refining Company, Docket No. CI63-383; The Superior Oil Company, Docket No. CI63-409.

Take notice that the hearing in the above-designated matter now scheduled for January 14, 1963, is hereby postponed to February 13, 1963, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-213; Filed, Jan. 9, 1963; 8:45 a.m.]

[Opinion 376; Docket No. G-19986 etc.]

SLADE, INC., ET AL.

Opinion and Order Providing for Consolidation of Proceedings in Appropriate Area Rate Proceedings

JANUARY 3, 1963.

Slade, Inc. (Operator), Docket No. G-19986 and RI61-10; Slade, Inc., Docket No. RI60-147; Slade, Inc. (Operator) et al., Docket No. RI60-179; Area Rate Proceeding, Docket No. AR 61-1.

Appearances—

For Slade, Inc.:

William J. Grove
Carroll L. Gilliam
Washington, D.C.

For Public Service Electric and Gas Company:

J. Harry Mulhern
Edward S. Kirby
John F. McDonald
Newark, New Jersey
William R. Duff
Washington, D.C.

For the Staff of the Federal Power Commission:

Julius C. Meier
Washington, D.C.

These consolidated proceedings involve proposed increased rates which were tendered for filing by Slade, Inc. (Slade), suspended, and set for hearing. The hearing having been concluded and a proposed decision issued, the proceedings are pending before us on exceptions to the decision of the Presiding Examiner issued November 1, 1961. The Examiner found that Slade's average jurisdictional unit cost of service applicable to wellhead sales, based on a 1958 test period, is 17.7443 cents per Mcf, and that its jurisdictional unit cost of service applicable to gas compressed and sold at Slade's Sinton Dome plant is 17.4154 cents per Mcf. Because the unit costs thus determined were in excess of Slade's proposed rates, the Examiner proposed that all of the proceedings herein be terminated and that Slade be discharged of its obligation to refund any excess charges with respect to the proceeding in Docket No. G-19986 in which Slade's increased rate had been made effective subject to refund.

Slade is a Delaware Corporation with offices at Orange, Texas, which performs geological and engineering services, explores for and produces oil and gas, and operates gathering lines and a compressor plant in the Sinton Dome area, San Patricio County, Texas. Slade's pro-

duction operations involve various joint ventures in connection with which it acts both as operator, on behalf of the joint ventures, and in addition as a joint venturer with a total working interest of less than 10 percent. Four rate increases are involved here as follows:

(1) Docket No. G–19986 involves suspension on October 30, 1959, of Supplement No. 4 to Slade's FPC Gas Rate Schedule No. 5 representing an increase from 12.12268 cents to 15.0952 cents per Mcf for gas sold to Tennessee Gas Transmission Company from the Sinton Dome compressor plant (Texas Railroad District No. 4). The compressor plant is owned by Slade and the gas sold therefrom comes in part from wells in which Slade is a joint venturer with other parties and in part from purchased gas. The increased rate went into effect subject to refund on August 3, 1960.

(2) Docket No. RI61–10 involves suspension on July 28, 1960, of Supplement No. 5 to Slade's FPC Gas Rate Schedule No. 5, representing an increase to 17.24347 cents per Mcf for the same sale.

(3) Docket No. RI60–147 involves suspension on February 18, 1960, of Supplement No. 5 to Slade's FPC Gas Rate Schedule No. 4, representing an increase from 11 cents to 17 cents per Mcf for wellhead sales of gas by joint ventures of which Slade is operator and in which it owns 12.5 percent and 6.25 percent working interests, respectively, from the Spraberry Trend area, Glasscock and Reagan Counties, Texas (Texas Railroad District No. 7–C).

(4) Docket No. RI60–179 involves suspension on March 9, 1960, of Supplement No. 4 to Slade's FPC Gas Rate Schedule No. 6, representing an increase from 10 cents to 17.2294 cents per Mcf for wellhead sales of gas by a joint venture, different from the joint ventures involved in Rate Schedule No. 4, of which Slade is operator and in which it owns a 6.25 percent interest, from the Spraberry Trend area, Reagan County, Texas (Texas Railroad District No. 7–C).

With respect to the last three dockets Slade did not file a motion pursuant to section 4(e) of the Act to place its proposed rates into effect, and it is still collecting the prior rates.

At the hearing Slade presented a company-wide cost of service for the test year 1958 deriving separate costs for (1) its oil and gas operations and (2) the compressor plant. Staff did not present any evidence at the hearing.

Slade's production operations consist of a series of joint ventures in connection with which Slade acts both as operator of the joint venture properties, and as a joint venturer with a varying percentage of interest ownership in each joint venture.[1] Moreover, the participants in the various joint ventures are not the same for each joint venture and the percentage of interest ownership of each participant varies from one joint venture to another. Slade, as operator of the properties involved herein, has filed rate schedules covering all working interests in such properties. Thus, all of the participants in each of the joint ventures are covered by Slade's rate filings.

In the instant case Slade has not purported to justify the increased prices for the two wellhead sales by any determination of the cost of the particular joint ventures engaged in making these sales. Instead it has presented a company-wide cost of service relating merely to its own net working interest in gas production arising out of the various joint ventures in which it participates, including but not limited to those involved here. In our recent Opinion No. 369 we made clear with respect to the McCommons filing (William E. McCommons d/b/a McCommons Exploration Company, et al., Docket No. RI62–476) the difficulties in attempting to make any cost evaluation on the basis of the composite cost of a limited number of joint ventures with or without differing ownership interests. But even assuming a proper determination of just and reasonable rates could be made on any such basis we think it clear that the costs utilized must be those of the joint ventures as such (as McCommon's at least attempted to do), and not just the company-wide costs of one of the joint venturers, particularly one having only a minor interest in the ventures. Otherwise the justness and reasonableness of a rate will depend solely upon the success or lack of success in the overall gas production operations of the particular venturer chancing to be the operator, rather than upon any basis rationally related to the production entity as a whole.[2] In short, the reasonableness of the rates proposed by Slade under its FPC Gas Schedule Nos. 4 and 6 cannot be determined on the basis of the present record which purports only to show the company-wide costs of a venturer, Slade, owning minor interests in the production ventures there in issue.

Similarly, we cannot determine the justness and reasonableness of the rate for Slade's plant sales under its FPC Gas Rate Schedule No. 5 because Slade's plant cost of service includes costs for gas produced by certain joint ventures in which Slade has an interest and is the operator, calculated on the basis of Slade's company-wide production costs in all of the separate joint ventures in which it participates. As indicated above, it is not proper to employ the average unit cost for all of Slade's gas production in various joint ventures, when only two such ventures are involved in gas sold from the plant. In addition, the record is unclear as to whether Slade's company-wide unit production costs were applied to all of the gas processed by the Sinton Dome plant coming from the two production ventures in which Slade had an interest, or only from Slade's share of this gas, or, in the latter event, the manner, if any, in which the gas costs of that part of the gas from these two ventures attributable to the other venturers, were included in the calculated gas costs.

Because the present record does not permit a proper determination of the justness and reasonableness of the rates involved herein, we are faced with the problem of deciding whether to remand the proceedings to the Examiner for the taking of additional evidence or to determine the lawful rates in connection with area rate hearings. As we mentioned in Opinion No. 365, the Hunt case,[3] it is our policy to decide cases, such as the instant case,[4] which were pending before the Commission prior to the commencement of area rate proceedings on the basis of cost of service evidence. We reaffirm that policy, but for the reasons set forth below conclude that under the special circumstances of this case it would be more appropriate to make these determinations in connection with area rate proceedings.

The two Slade rate schedules involving wellhead sales relate to sales from Texas Railroad District No. 7–C. An area rate hearing is currently progressing with respect to sales in the Permian Basin area, which includes Texas Railroad District No. 7–C, and Slade is already a party to the section 5(a) aspects of this proceeding. Accordingly, Slade's future rates for these sales will be determined in this proceeding. There would seem to be little purpose to providing for further hearings on the section 4 aspects of these sales when the area hearing is in its final stages. We note, moreover, that Slade's own accounting witness stated his opinion that cost of service of a producer as small as Slade should not be used to determine what is a just and reasonable price for the gas. We shall therefore consolidate these dockets with the Permian Basin proceeding.

With respect to Slade's remaining rate schedule involved here, covering the Sinton Dome plant sales, there is also sound justification for providing that any rate determination with respect thereto be made in an area rate proceeding. The whole purpose of the plant is to provide compression service both for its own produced gas and gas purchased by Slade from other producers in the area. Slade is thus interested solely in shallow low pressure production in need of compression. The shallow zones in the Sinton

[1] In addition to the interests of Slade mentioned above under Rate Schedule Nos. 4, 5, and 6, Slade as a joint venturer also owns interests of 12.5 percent, 6.25 percent and 9.375 percent in gas sold pursuant to its Rate Schedule Nos. 1, 2, and 3, respectively.

[2] It is recognized that this question of working interests permeates the gas production business and that many of the largest producers as well as the smaller ones will have only fractional interests in joint ventures involving a number of leases. But in the usual producer case coming before us, the deviations from the cost norm in those situations where the producer whose "rates" are in issue is an operator with only a minor interest, other than a sole proprietor, can be expected to even out over all of the producer's interests. This is clearly not the case with a very small operator like Slade. If its company-wide costs were allowed to fix the rate of the joint ventures for which it serves as operator we would be encouraging a situation in which it would be to the interests of joint venturers to choose as their "operator" the member of the group with highest individual costs.

[3] Opinion No. 365 issued October 17, 1962 in Hunt Oil Company, et al., Docket Nos. G–9065, et al.

[4] These consolidated proceedings were set down for hearing prior to the Phillips decision in Opinion No. 338, and hearings were held shortly after the issuance of that decision.

Dome area are generally thin, lenticular, and extremely faulted. It is, therefore, impossible to predict the economic life of the plant because of inherent difficulties in calculating proven reserves of the type necessary for Slade's operations.[5] We think it clear, under such circumstances, that no meaningful determination of a just and reasonable price for the gas sold from the compressor plant can be made on a cost of service basis since neither the test year used nor any other test period can be expected to be typical.[6] Instead, we are convinced that the determination of the just and reasonable price must await an area hearing covering Railroad District No. 4, where the Sinton Dome plant (and the wells producing gas processed at the plant) are located.

The Commission orders: For the reasons heretofore stated, the proceedings in Docket Nos. RI60–147 and RI60–179 are hereby consolidated with the Permian Basin area rate proceeding in Docket No. AR61–1, and the proceedings in Docket Nos. G–19986 and RI61–10 will be consolidated with an appropriate area rate proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–214; Filed, Jan. 9, 1963; 8:45 a.m.]

[5] Thus, although the plant operated at approximately 77 percent of capacity in the test period, Slade's witness testified at the hearing in 1960 that the plant was then operating at 46 percent of capacity and that based upon his projections for the entire year 1960 the plant would be operated at only 35 percent of capacity.

[6] We note in passing that the examiner in accordance with our discussion in Phillips included in the cost of gas processed at the Sinton Dome plant the full price payable to other producers during the test period based on Slade's proposed resale rate of 17.24347 cents per Mcf pursuant to the percentage purchase contracts they had with Slade despite the lack of any showing of such producers' costs. Whatever the validity of such a determination in the case of Phillips, or any other determination made on a cost of service basis we think it clear that with a small processor like Slade where a very high percent of its total costs are payments to producers calculated on such a percentage of sale basis, it makes little, if any, sense to fix the price of the sales from the plant on such a "cost" basis, and that the area price concept provides the only rational basis for fixing a just and reasonable price for such sales.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION II, PHILADELPHIA

Redelegation of Authority Regarding Public Facility Loans Program and Accelerated Public Works Program

The Regional Director of Community Facilities, Region II (Philadelphia), is hereby authorized within such Region:

1. With respect to the public facility loans program authorized under section 202 (a)–(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492 (a)–(d)), to enter into contracts and amendments thereof involving such loans; and

2. With respect to the grants-in-aid program authorized under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492 (e)), to enter into contracts and amendments thereof involving such grants-in-aid.

This redelegation supersedes the redelegation effective July 1, 1960 (25 F.R. 7898, August 17, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective October 24, 1962 (27 F.R. 10598, October 31, 1962))

Effective as of the 9th day of November 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 63–253; Filed, Jan. 9, 1963; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority Regarding Public Facility Loans Program and Accelerated Public Works Program

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to Public Facility Loans Program and Accelerated Public Works Program, is hereby authorized to take the following action within such Region:

1. To enter into or amend or modify contracts involving Public Facility Loans under section 202 (a)–(d) of the Housing Amendments of 1955 as amended (42 U.S.C. 1492 (a)–(d); and

2. To enter into or amend or modify contracts involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective October 24, 1962 (27 F.R. 10598, October 31, 1962))

Effective as of the 8th day of November 1962.

[SEAL] MCCLELLAN RATCHFORD,
Regional Administrator, Region III.

[F.R. Doc. 63–254; Filed, Jan. 9, 1963; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION V, FORT WORTH

Redelegation of Authority Regarding Public Facility Loans Program and Accelerated Public Works Program

The Regional Director of Community Facilities, Region V (Fort Worth), with respect to public facility loans program and accelerated public works program, is hereby authorized within such Region:

1. To enter into or amend or modify contracts involving public facility loans under section 202 (a)–(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492 (a)–(d));

2. To enter into or amend or modify contracts involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

This redelegation supersedes redelegation effective July 1, 1960 (25 F.R. 7004, July 22, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective October 24, 1962 (27 F.R. 10598, October 31, 1962))

Effective as of the 31st day of October 1962.

[SEAL] R. A. BETHUNE,
Regional Administrator, Region V.

[F.R. Doc. 63–255; Filed, Jan. 9, 1963; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority Regarding Public Facility Loans Program and Accelerated Public Works Program

The Regional Director of Community Facilities, Region VI (San Francisco), is hereby authorized:

1. To enter into contracts involving public facility loans under section 202 (a)–(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492 (a)–(d);

2. To enter into contracts involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

This redelegation supersedes the redelegation effective July 19, 1960 (25 F.R. 7111, 7–27–60).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective October 24, 1962 (27 F.R. 10598, October 31, 1962))

Effective as of the 31st day of October 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator, Region VI.

[F.R. Doc. 63–256; Filed, Jan. 9, 1963; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

YANKTON INDIAN RESERVATION

Transfer of Land Records to Aberdeen Area Office

JANUARY 3, 1963.

In accordance with 25 CFR 120 and pursuant to authority delegated by

Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Yankton Indian Reservation in the State of South Dakota, have been transferred from the City of Washington, D.C., to the Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota.

Effective January 1, 1963, the Aberdeen Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 63-218; Filed, Jan. 9, 1963; 8:46 a.m.]

Bureau of Land Management

DISTRICT MANAGER, FAIRBANKS; CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, ANCHORAGE

Delegation of Authority

SECTION 1. Pursuant to section 1.1 of Bureau of Land Management Order No. 684, as amended, the District Manager, Fairbanks, is authorized to perform in the Fairbanks Land District all the functions listed in sections 1.2 through 1.9 of part I of the above cited order, subject to limitations in Part I. In addition to limitations in specified matters, the authority delegated to the District Manager shall not include the authority contained in the following sections:

1. Section 1.2(d).
2. Subparagraphs (1) and (2) of section 1.3(d).
3. Subparagraphs (2) and (3) of section 1.4(a). Approval of or cancellation of Special Instructions for surveys under section 1.4(a)(1).
4. Section 1.9(d).
5. Section 1.9(r).

SEC. 2. The Chief, Branch of Lands and Minerals Operations, Anchorage, Alaska, is authorized to perform in his geographical area of jurisdiction all the functions listed in section 1.5 of Bureau Order No. 684.

SEC. 3. The District Manager, Fairbanks, Alaska, is authorized to redelegate the authority contained in section 1.5 of Bureau Order No. 684 to the Chief, Branch of Lands and Minerals Operations, Fairbanks, Alaska.

ROGER R. ROBINSON,
State Director, Alaska.

Approved: January 4, 1963.

KARL S. LANDSTROM,
Director, Bureau of Land Management.

[F.R. Doc. 63-219; Filed, Jan. 9, 1963; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 3, 1963.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 0101298, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for use as recreation areas and campgrounds, located in the Routt National Forest. The specific areas are:

ROUTT NATIONAL FOREST

Lower Bear River Recreation Area Addition.
Middle Bear River Recreation Area Addition.
Upper Stillwater Recreation Area Addition.
Pines Campground Addition.
Transfer Campground.
Heart Lake Recreation Area.
Rabbit Ears Lake Recreation Area Addition.
Meadows Campground.
Adams Park Recreation Area.
Sheriff Reservoir Recreation Area.
West Fork Lake Recreation Area Addition.
Beaver Creek Campground.
Long Lake Recreation Area Addition.
Round Lake Recreation Area Addition.
Lake Elmo Recreation Area Addition.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910—15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

T. 1 N., R. 86 W.,
In Sec. 14.
T. 1 N., R. 86 W.,
In Secs. 15, 16.
T. 1 N., R. 87 W.,
In Sec. 24.
T. 6 N., R. 77 W.,
In Sec. 14.
T. 2 N., R. 88 W. (unsurveyed),
In Sec. 23.
T. 2 N., R. 86 W.,
In Sec. 28.
T. 5 N., R. 82 W.,
In Sec. 8.
T. 5 N., R. 83 W.,
In Secs. 20, 21.
T. 10 N., R. 87 W.,
In Sec. 21.
T. 2 N., R. 87 W.,
In Secs. 10, 11, 14, 15.
T. 11 N., R. 84 W.,
In Secs. 13, 14.
T. 11 N., R. 82 W.,
In Sec. 5.
T. 6 N., R. 83 W. (unsurveyed),
In approximate Secs. 22, 23.
T. 6 N., R. 83 W. (unsurveyed),
In approximate Sec. 24.
T. 6 N., R. 83 W. (unsurveyed),
In approximate Secs. 24, 25.

Lands proposed to be withdrawn in the above designated area aggregate approximately 1,715 acres.

IOLA M. CLARK,
Acting Manager,
Land Office, Denver.

[F.R. Doc. 63-220; Filed, Jan. 9, 1963; 8:46 a.m.]

[Classification No. 12]

IDAHO

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684 (26 F.R. 8216) and by State Order No. 37 under authority for redelegation (139 F.R. 6850), I hereby classify the following described public lands totaling 9.37 acres in Shoshone County, Idaho, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

BOISE MERIDIAN, IDAHO

T. 48 N. R. 2 E.,
Sec. 17: Lots 2, 3, 4, 5, 6, 8, 10.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938, supra, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: December 13, 1962.

RICHARD L. SCHAERTL,
District Manager.

[F.R. Doc. 63-232; Filed, Jan. 9, 1963; 8:48 a.m.]

[054890(SD)]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 2, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Montana 054890(SD) for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for public recreation sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Castle Creek Streamside Zone

A strip of land 330′ each side of the centerline of Castle Creek through the following legal subdivisions.

T. 1 N., R. 4 E.,
Sec. 9: NE¼NW¼;
Sec. 4: E½, S½SW¼;
Sec. 3: W½;
Sec. 2: NE¼;
Sec. 1: N½.
T. 2 N., R. 4 E.,
Sec. 34: S½, NE¼ except M.S. 688;
Sec. 35: W½;
Sec. 36: S½S½SW¼.

Total acres—360 more or less.

R. R. RIGTRUP,
Manager, Land Office.

[F.R. Doc. 63-233; Filed, Jan. 9, 1963; 8:48 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 26, 1962.

Dated: December 26, 1962.

WALTER BRENTON.

[F.R. Doc. 63-269; Filed, Jan. 9, 1963; 8:51 a.m.]

RALPH W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 20, 1962.

Dated: December 20, 1962.

RALPH W. FACKLER.

[F.R. Doc. 63-270; Filed, Jan. 9, 1963; 8:51 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1963.

Dated: December 24, 1962.

LESTER R. GAMBLE.

[F.R. Doc. 63-271; Filed, Jan. 9, 1963; 8:51 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add Republic Steel Company; Add Ingersoll-Rand Company.
(3) No change.
(4) No change.

This statement is made as of December 20, 1962.

Dated: December 20, 1962.

FRANK W. GRIFFITH.

[F.R. Doc. 63-272; Filed, Jan. 9, 1963; 8:51 a.m.]

CHARLES R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Purchased stock in Big Horn Life Insurance Corporation of Wyoming.
(2) No other changes.
(3) No other changes.
(4) No other changes.

This statement is made as of December 31, 1962.

Dated: December 31, 1962.

CHARLES R. LEEVER.

[F.R. Doc. 63-273; Filed, Jan. 9, 1963; 8:51 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Arizona Public Service Co.
Dividend Shares.
One William Street.
Arden Farms.
U.S. Savings Bonds Series E.
Bank Deposits.
Safeway Stores.
Allis-Chalmers.
Phoenix Gems.
Del Webb Warrants.
(3) No change.
(4) No change.

This statement is made as of December 26, 1962.

Dated: December 26, 1962.

MAX R. LLEWELLYN.

[F.R. Doc. 63-274; Filed, Jan. 9, 1963; 8:52 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 27, 1962.

Dated: December 27, 1962.

JOHN P. MADGETT.

[F.R. Doc. 63-275; Filed, Jan. 9, 1963; 8:52 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 13, 1962.

Dated: December 13, 1962.

CLARENCE W. MAYOTT.

[F.R. Doc. 63-276; Filed, Jan. 9, 1963; 8:52 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 18, 1962.

Dated: December 18, 1962.

LILBERT A. MOLLMAN.

[F.R. Doc. 63-277; Filed, Jan. 9, 1963; 8:52 a.m.]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 15, 1962.

Dated: December 15, 1962.

SAMUEL R. SHEPPERD.

[F.R. Doc. 63-278; Filed, Jan. 9, 1963; 8:52 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 21, 1962.

Dated: December 21, 1962.

STANLEY J. SICKEL.

[F.R. Doc. 63-279; Filed, Jan. 9, 1963; 8:52 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 20, 1962.

Dated: December 20, 1962.

WILLARD B. SIMONDS.

[F.R. Doc. 63-280; Filed, Jan. 9, 1963; 8:52 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 26, 1962.

Dated: December 26, 1962.

JOSEPH F. SINNOTT.

[F.R. Doc. 63-281; Filed, Jan. 9, 1963; 8:52 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Unchanged.
(2) Additions: First National Bank of Allentown, Pa., Merchants National Bank of Allentown, Pa. Deletions: None.
(3) Unchanged.
(4) Unchanged.

This statement is made as of December 20, 1962.

Dated: December 20, 1962.

STANLEY C. TOWNSEND.

[F.R. Doc. 63-282; Filed, Jan. 9, 1963; 8:52 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 12, 1962.

Dated: December 12, 1962.

ALEXANDER H. WADE, Jr.

[F.R. Doc. 63-283; Filed, Jan. 9, 1963; 8:52 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 24, 1962.

Dated: December 24, 1962.

W. D. WILDER.

[F.R. Doc. 63-284; Filed, Jan. 9, 1963; 8:52 a.m.]

ALAN A. WOODWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 26, 1962.

Dated: December 26, 1962.

ALAN A. WOODWARD.

[F.R. Doc. 63-285; Filed, Jan. 9, 1963; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 4, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38097—*Sorghum grains to Texas ports.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 457), for interested rail carriers. Rates on sorghum grains, in carloads, from Anson, Hawley, Whitham and Lanius, Tex., on the FW&D Ry., to Beaumont, Corpus Christi, Galveston, Houston, Port Arthur, and Texas City, Tex. (for export).

Grounds for relief—Unregulated motor competition.

Tariff—Supplement 138 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-191; Filed, Jan. 8, 1963; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 7, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 38098: *Motor fuel antiknock compound from Freeport and Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8321), for interested rail carriers. Rates on motor fuel antiknock compound, in tank-car loads, from Freeport and Houston, Tex., to Chicago, East St. Louis, Hartford, Lemont, Lockport, Roxana, Wood River, Ill., and Kansas City, Mo.-Kans.

Grounds for relief: Market competition.

Tariff: Supplement 131 to Southwestern Freight Bureau tariff I.C.C. 4370.

FSA No. 38099: *Iron or steel articles to Pascagoula, Miss.* Filed by O. W. South, Jr., Agent (No. A4271), for interested rail carriers. Rates on iron or steel articles, viz: Plate or sheet, NOIBN, galvanized or plain, corrugated or not corrugated; steel strips, NOIBN, in carloads, from Ashland, Ky., and Portsmouth, Ohio, to Pascagoula, Miss.

Grounds for relief: Barge-rail and market competition.

Tariff: Supplement 63 to Southern Freight Association tariff I.C.C. S-163.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-227; Filed, Jan. 9, 1963; 8:47 a.m.]

[Notice 735]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 7, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65433. By order of December 28, 1962, the Transfer Board approved the transfer to Polaris Transportation, Inc., Newburgh, N.Y., of Certificate No. MC 117845, issued November 3, 1960, to Joseph Mizenis, Almonesson, N.J., authorizing the transportation of: Bananas, from Baltimore, Md., to Philadelphia, Pa., and Camden and Bridgeton, N.J., and from ports in the New York, N.Y., Commercial Zone, to Baltimore, Md., Philadelphia and Easton, Pa., Trenton, Bridgeton, and Camden, N.J., and Rochester, Jamestown, and Buffalo, N.Y. Seymour Feinman, 135 Grand Street, Newburgh, N.Y., attorney for applicants.

No. MC-FC 65443. By order of December 28, 1962, the Transfer Board approved the transfer to A. K. Finney Co., Inc., Plymouth, Mass., of Certificate No. MC 69747, issued April 5, 1955, to Albert Roncarati and Clarence E. Delano, Jr., a partnership, doing business as A. K. Finney Co., Plymouth, Mass., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, yarn, on spools or in packages, and empty spools, from, to, or between specified points in Massachusetts and Rhode Island, and household goods, between specified points in Massachusetts, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, and New Jersey. Theodore E. Shasta, One Court Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 65448. By order of December 28, 1962, the Transfer Board approved the transfer to Hoboken Transportation Co., a corporation, Hoboken, N.J., of Certificate No. MC 54000, issued April 11, 1950, to John Trau and Margaret Trau, a partnership, Hoboken, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Hudson County, N.J., to New York, N.Y., and points in Nassau, Suffolk, Orange, Sullivan, Rockland, Ulster, Greene, and Westchester Counties, N.Y., and return. J. Harry O'Brien, 51 Newark Street, Hoboken, N.J., counsellor at law.

No. MC-FC 65495. By order of December 28, 1962, the Transfer Board approved the transfer to Benjamin Wilson, Jr., and Robert W. Wilson, doing business as Wilson Brothers Moving & Storage, Paterson, N.J., of Certificate No. MC 16891, issued November 27, 1940, to Jack Locicero, Passaic, N.J., authorizing the transportation of: Household goods, between Passaic, N.J., and points within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. John M. Zachara, P.O. Box 2860, Paterson 28, N.J., practitioner for applicants.

No. MC-FC 65511. By order of December 31, 1962, the Transfer Board approved the transfer to Wade Bus Lines, Inc., Ogallala, Nebr., of Certificate No. MC 111346 Sub-2, issued December 5, 1958, to Lynn R. Wade, doing business as Wade's Bus Line, Ogallala, Nebr., authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle, between Scottsbluff, Nebr., and Ogallala, Nebr. Donald E. Leonard, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC 65526. By order of December 28, 1962, the Transfer Board approved the transfer to Rugby Vans, Inc., Brooklyn, N.Y., of Certificate No. MC 108914 Sub-2 issued June 24, 1959, to Alfred Tesoriero, doing business as Rugby Vans, Brooklyn, N.Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points within 100 miles of Columbus Circle, New York, N.Y., in Connecticut, New Jersey, New York, and Pennsylvania; and between Hartford, Elmwood, East Hartford, West Hartford, and Wethersfield, Conn., on the one hand, and, on the other, points in Massachusetts, New Jersey, and New York. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-228; Filed, Jan. 9, 1963; 8:48 a.m.]

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